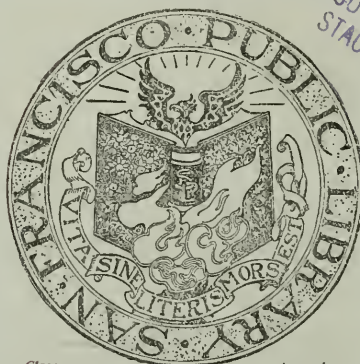




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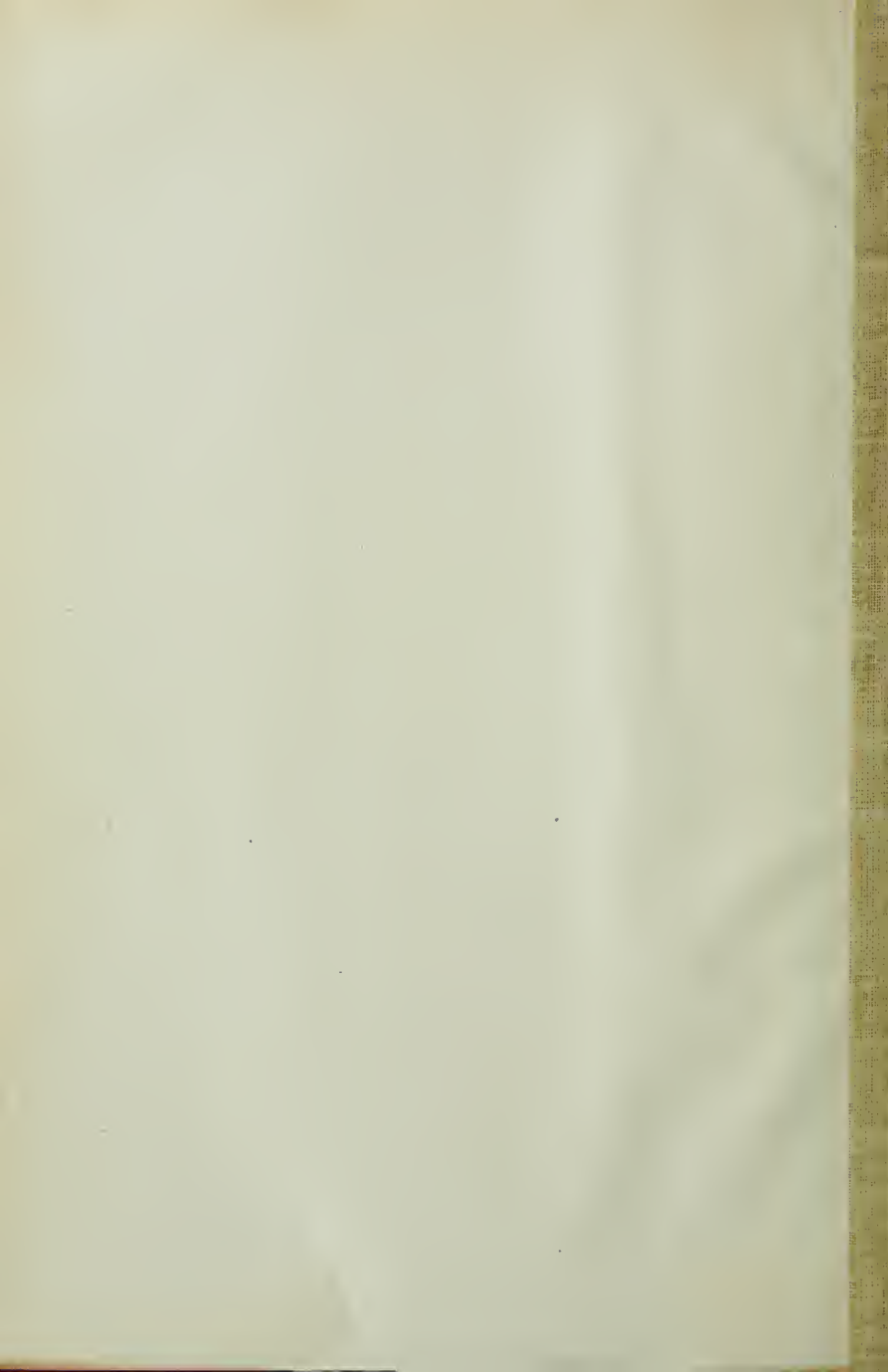
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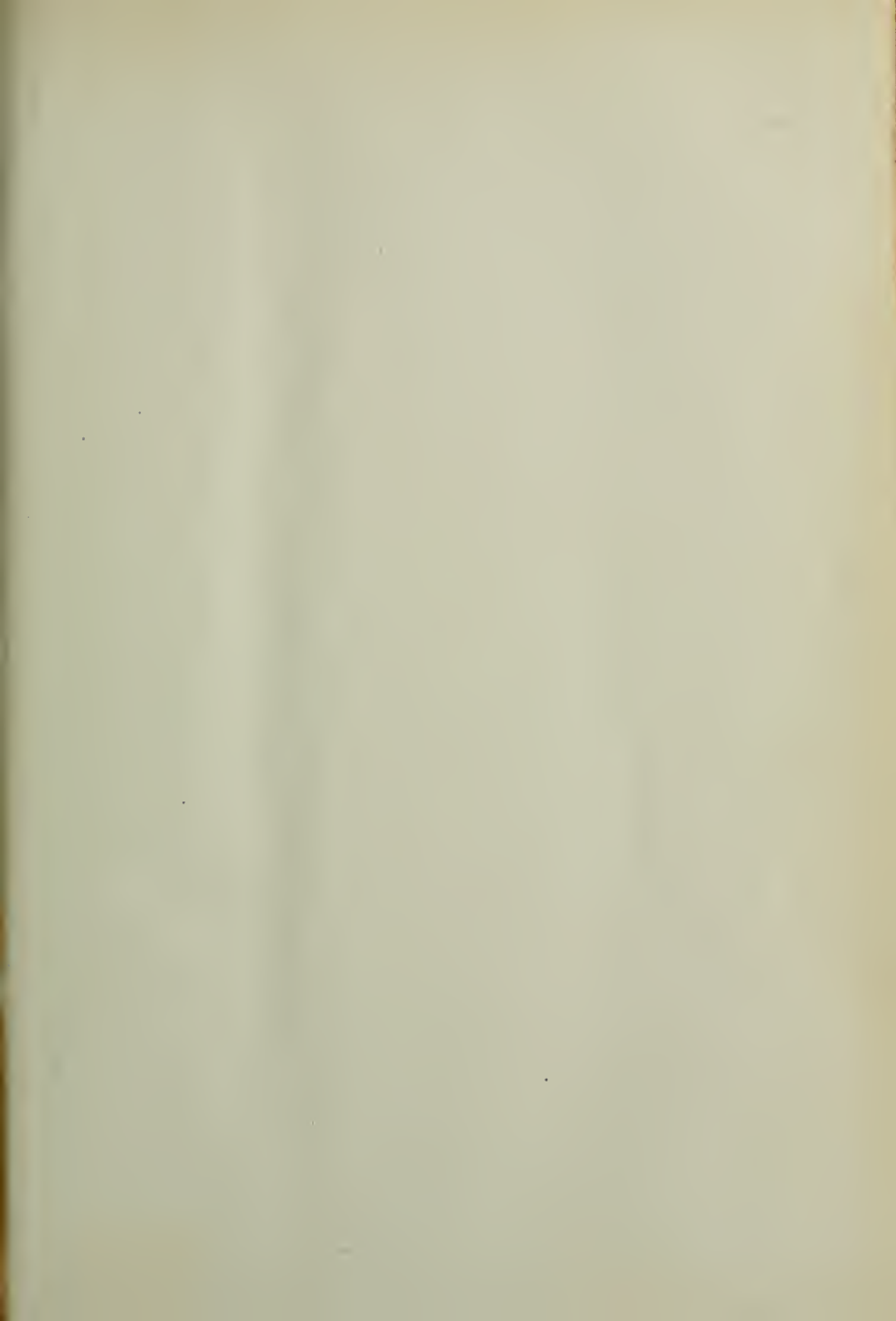
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A Monthly Review of Municipal Problems and Civic Improvements

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LEAGUE OF PACIFIC NORTHWEST MUNICIPALITIES

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—AND—

BOARD OF SUPERVISORS ASSOCIATION OF THE STATE OF CALIFORNIA

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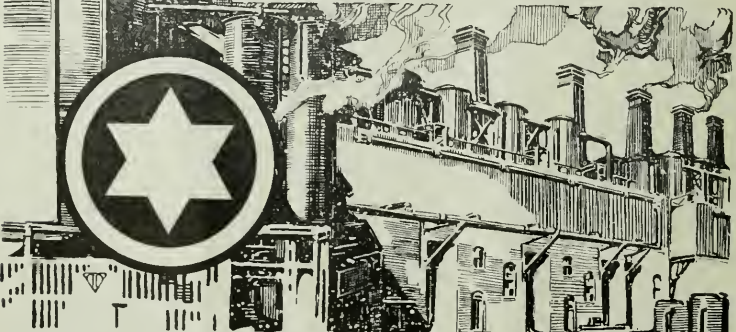
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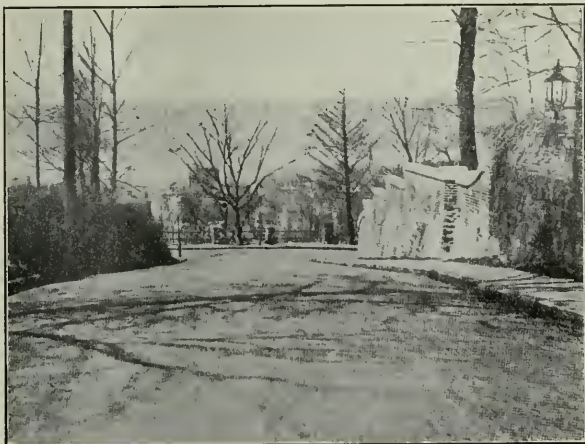
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PROCEEDINGS OF THE SIXTEENTH ANNUAL CONVENTION

— OF THE —

League of California Municipalities

Held at VENICE, CALIFORNIA, October 6—11, 1913

(CONTINUED)

THE SUCCESS OF MUNICIPAL LIGHTING PLANTS IN CALIFORNIA—*Continued*

J. T. WHITTLESEY

In Riverside, we make a special rate of 1¾ cents per kilowatt hour for pumping for irrigating purposes. The highest rate received is 8 cents for lighting, and the lowest lighting rate is 4 cents. The highest rate for power is 6 cents and the lowest is 1¾ cents. Our average rate for all current received, including street lighting, is about 3.6 cents. We charge the city a little over 2.1 on the average, for street lighting.

And I want to say that we have a plant worth nearly half a million, and we have only about \$50,000 in bonds outstanding; we have about \$65,000 in our depreciation and sinking funds, cash and bonds, and we have put some \$400,000 and more out of earnings into extensions of plant, the result being that, as I say, we have only about a \$50,000 indebtedness after operating the plant about seventeen years. We buy

all our current, practically, as does the gentleman from Colton, and from the same source. Our current costs us on the average, delivered on the switch-board, about a cent. We have the same proposition offered us that he has—.9 cents and 75 cents respectively, with the same minimum that he has.

Mr. Turner: What is your population?

Mr. Peters: 17,000.

Mr. Turner: And your lighting plant is worth a half million dollars?

Mr. Peters: Yes, not the plant, but that is the total capital invested. We have from \$15,000 to \$20,000 in cash all the time, and \$15,000 in material in the storehouse, and probably \$18,000 or \$20,000 in accounts outstanding.

Mr. Whittlesey: I happen to have the value of your plant as given by your balance sheet. Its present depreciated value is \$355,000.

Mr. Robson: What is the area of Riverside? How many miles of line do you have?

Mr. Peters: We have about forty square miles of territory, and we have about 240 miles of street. Of course, it is largely a suburban district, you understand. The densely populated section would not be very many miles.

The Chairman: The City of Glendale has been referred to as one of the smaller cities successfully operating an electric light system. We would like to hear from Mr. Lynch in regard to that plant.

Mr. Lynch: The City of Glendale has owned its plant for four years. When we started in, we had a little private system operating, but not covering sufficient of our territory, so we purchased that plant and put in our own system. We have about 8500 people there, and about 2250 consumers of gas. We have better than one consumer to every four people in town, and we are giving an 8 cent base rate for light, and from 6 down to 1¼ cents for power, the same schedule that Mr. Peters spoke of in Riverside. The great idea with us has not been to get our rates down—we have not worried about that, because the public is not worrying about rates and we certainly are not. But we are putting our own

price on it, giving the best service we can give, and we have subordinated everything to that one principle. It is probable that we will very soon be able to lower the rate. We are paying out of our income all of our operating expenses, taking care of all depreciation and all interest and all accounts of that sort, and also all of our betterments, and, as our town is growing very fast, that means quite a large item. We are paying a great deal of our attention towards getting them into the alleys. We have worked a complete system out, covering the whole town with pole lines in alleys, and all of our new work is being done that way. We have had very satisfactory general arrangements with the telephone company, whereby either ourselves or the telephone company has built all lines, and the one not building them goes onto them, that is, we use them jointly. So that we only have one line built to serve the territory with both light and telephone. Some of those lines, as I say, were built, and now sometimes the telephone company builds them and sometimes we build them, and they are always built in conformity with the plan that we have outlined. It is a system that works out very satisfactorily, and financially it is a success, because it means a very much lower investment, both to us and to the telephone company, and as a matter of public beauty, it is also a success, because it eliminates a great many of the poles, and places the rest in the least objectionable places. Of course, a pole line is not a thing of beauty, and yet an underground system is very expensive. We have not attempted to go underground, but we have attempted to eliminate the undesirable features as far as possible, and that has been successful, very largely, through the co-operation of the telephone company. I cannot speak too highly of the way they have co-operated with us in that regard. At the present time, for instance, about three miles of pole line is being built by the telephone company for general use that we are to use, all put down at the expense of the telephone company, while other work we have done. It has been a big factor in helping us to relieve the pole situation. In over half

our town now we have no poles in the streets at all, and I think about three years will see practically all the pole lines off the streets, but in the alleys. We are installing, as Mr. Whittlesey stated, the system of accounts prescribed by the State Railroad Commission, and we haven't yet completed that. Of course, as any of you know who have any of that to do, it is a very involved piece of work, and there is a great deal of it, but I think we will be entirely satisfied and better off to have that, as well as being in a better position to inform others what we are doing. In the matter of street lights, we are, in connection with going into the alleys, installing a single light standard throughout our residence streets, generally a multiple control, but something a series control, and putting in cast iron pole with a sixteen inch bell, and a 100 watt light, placing those a distance of about 100 feet apart, and that has taken care of the street lighting proposition, which, at first, is necessary to do if you put your pole lines in the alleys. As to what our people think of that, when we first voted bonds to put in the plant, I think our vote was about 4 to 1 in favor of the bonds. Three years after we annexed more territory, and it was necessary to issue more bonds. The vote against the issuance of the extra bonds at that time was 4 votes. So I think that is sufficient as an indication of what the public thinks of the system.

Mr. Turner: I would like to ask the gentleman a question, which is suggested by a condition that exists in Berkeley. A few years ago the Pacific Gas & Electric Company and the Pacific States Telephone Company used the same poles. Our telephone service was very badly interrupted, particularly at night time. In explanation, the telephone company claimed it was caused by the two wires being on the same poles, and they separated them. Our service, as you will well remember, Mr. Jessup, was very much improved after that. Have you had any trouble of that kind in Glendale?

Mr. Lynch: No, we have not. There is no need of any trouble with a good telephone system and good electric light

system—no need of any trouble in operating on the same poles. I believe they did have trouble to a very small extent when they operated grounded circuits on the telephones, and when they did not understand the handling of that style. But there is no difficulty whatever, because of using the same poles, and there have been so many advantages and benefits from it that we would not think of operating any other way.

Mr. Jessup, of Berkeley: I understood the gentleman from Riverside that they charged the city for street lighting 2 cents. It would be interesting to know what is being charged for that same service in some of the other cities operating on that plan.

Mr. Whittlesey: The representatives of the cities will have to give you that information, as I haven't it.

Mr. C. A. Bonar, of Long Beach: Long Beach owns neither her distributing system nor her electric light plant. We have a city of something over 35,000 people. The Edison people own their distributing system in Long Beach, and also their large plant is located there. We pay for current consumed on our private homes 8 cents a kilowatt hour. Power is from 1 cent to 4 cents a kilowatt hour, 1 cent in the pumping plant in the City of Long Beach, where they use a certain number of kilowatts, as they usually do, and which I am unable to state at this time, how many it is. Our lights are \$5 per month, and we have street lights, but we have a very low rate on those, though I am sorry to say again that I am unable to inform you gentlemen what the price is. There is another thing that we would consider, which I am not stating as against municipal ownership. I think it is a good thing to own your own distributing system. But we derive from the Edison people and their holdings in Long Beach a considerable tax—roughly guessing at it, I would say from \$15,000 to \$20,000. Of course, you understand from that that their large power plant is in Long Beach.

Mr. F. R. Howe, of Santa Cruz: Santa Cruz, for the last twenty years, up to four years ago, was operating its own

municipal light plant. They had a plant there that has been operated for twenty-four years, a brush arc system, and, as you all know, that is at this time obsolete. Four years ago we found the necessity of installing more light, but our present machinery could not carry any more. So we had to make other arrangements, we figured up the cost of operating our municipal plant, and found that it was costing us \$3.96 per arc per month to operate on a moonlight schedule. That is, we were running only until twelve o'clock at night, and on moonlight nights we were not running at all. So you see it was costing us \$3.96 per arc per month. We got into communication with the light company there, and found that we could get a contract from them to operate the new luminous arc, which at that time no city in California except Los Angeles had installed, and could get a price from them of \$4.50 per month for an all-night service. So it meant only 54 cents per month more, and we would get an all-night service against a moonlight schedule. We entered into a contract with them for the furnishing of 100 arc lamps at that cost, and they were to furnish the lamps, use our line that we had already up, and make such other necessary extensions as we would require from them, and we made a two years' contract at, as I say, \$4.50 per month per lamp. We have over them our light plant, which we could start up at any time if we wanted to, and on account of owning our light plant and shutting it up, we account for getting the rate that we do, and which we consider a very good rate. We have to furnish the glass-ware and also the electrodes, and take care of the lamps. But, at the present time, we now own about 150 of those luminous arcs, and they are giving very good service, and it is costing us the low amount I have specified. In addition to operating luminous arcs, we have installed our own electroliers, which burn 32 Tungsten lamps, and we had them made ourselves, and our men are making them—they are made very cheap, too, being made of ordinary gas pipe in three sizes reduced down, and we have scrolls above the cross arms, the entire cost of

the electroliers being about \$9.20. These we put on the main street, without any expense to the city, by asking the property owners to pay for the installation of them. We put them every fifty feet on the main thoroughfare, the wires running underground. Our cost for operating those is 75 cents per electrolier per month. They are burned until one o'clock at night and turned off by the patrolman. Our rates for house consumption is 7 cents a kilowatt hour, and the cost for power is 2½ cents. So we have, as you understand, operated a municipal plant for over twenty years, but we could not get enough money to install a larger plant, and we were compelled to go to the corporations and pay the price which we do, but it is a price which we would not have gotten if we did not own our plant previously.

Mr. Craig: I would like to make a comment on some of the remarks made by the worthy mayor of Riverside. I hope I do not tire you by so frequently addressing the meeting. I want to say, by the way, that I think Riverside is the handsomest, the best governed, and the most perfect municipality in the state, so far as my knowledge goes. But I am very much surprised and I am very sorry to hear the heresy—I call it heresy—set forth on this floor, that a surplus after paying operating expenses and redemption of bonds and extensions into territory of a lighting plant, could be used for other public purposes. Because the time will come when cities in this state will very generally inaugurate municipal ownership. San Francisco has inaugurated municipal ownership by starting with its street car lines, others having lighting systems, others water systems, and some day some of the cities will have telephones, and we will have public bath houses and public wash houses for the laundries, as they have in Glasgow. I can see that the time will come when these large cities will have very large surpluses from their electric light plants, they will have large surpluses from their telephone plants, and large surpluses from their municipal street car lines as well as from their municipal street car lines as well as from their gas plants and water plants.

You and I, Mr. Chairman, and the Mayor of Riverside, will pass away—I have had my three score years and ten. We use light and telephone and water and street car lines while we are here, and get the best of the service. But why we and those like ourselves should not have the benefit of the profit of those institutions while we live, I don't know. Because, if it is possible for a municipality to use the surplus of the light plant or the water plant or the telephone plant or any of these other municipal plants, for the purchase of parks, or anything of that sort, or the maintenance of streets, why, all that benefit inures to the owner of the land, and we should not be taxed for those everyday things that we enjoy, while we live for the generations who are to follow us, who will have the benefit in the increase in value of the land. We should have the benefit of the reduction that could be made on this light, for instance, while we are here, and let the fellow who owns the land take care of it himself. His land will go up constantly in value, and we should not be taxed for that purpose, or our surplus of today used for the purchase of parks, or any other purpose. Let each particle of the matter stand on its own bottom. Let the telephone stand on its bottom, let the water stand on its bottom, and let the municipal street car line do the same, and give the people who are now alive the benefit of the reduction in rates so that there will not be those surplus earnings. It is a very dangerous heresy, I submit.

Mr. Henek: I think there are two sides to that question, Mr. Chairman. If I build a house and rent it and my tenant gets his money's worth, I am to do what I please with the rent, and there is nothing wrong about it. Similarly, if the city builds an electric light plant and furnishes the current at a reasonable rate, and the consumer gets his money's worth, why shouldn't the city be allowed to do what it pleases with the profits of it? That is another way to look at the subject.

Mr. Koerner: Mr. Chairman, the question of rates is a matter of policy on the part of the various cities, as to what

they will charge. Pasadena, having the lowest rate, I might say that our customary rate for light is five cents, for power 4 cents, and for light it ranges down to 3 cents, while for power 1.2 cents is the lowest. We have accumulated a little surplus from those rates, and at the same time we have been in competition with a company that has occupied the field before the city entered the field, and the primary reason for the City of Pasadena entering the field was to reduce the rate. If we had held the rate the same as the company formerly charged, we would not have had any municipal plant. If municipalities, after they enter into the light and power business, hold the rate the same as any public service corporation is charging, why, they are not in the nature of entering into the field except to pile up assets for the taxpayers or the land owners, the owners of vacant lots, speculators, who get the benefit, while the consumer, the renter—and by the way, the renter is a taxpayer—as he pays the taxes, and he pays the interest, and he pays the depreciation, and then if you stick him with a heavy rate for current, you are burdening him with an unjust charge. Fundamentally it is wrong.

Mr. Henek: Don't stick him—give him a fair show.

Mr. Koerner: Fundamentally it is wrong. I believe a city should charge enough to operate the plant and give the very best of service, maintain it in A-1 condition, provide for depreciation, obsolescence, unforeseen depreciation that you can't take account of this year, take care of your maimed and crippled widows and orphans that may be the result of operating such a utility—and they come, you can't prevent those accidents, you pay for it when you pay your rates to the public service corporation, they must charge enough to cover all those things. It is a part of the business, and we should pay the interest on the total average investment in this plant. Besides those things, I think we should accumulate a small surplus to take care of investment emergencies. But I don't think we should run our utilities as revenue producers. It is a

bad principle. Fundamentally it is wrong. I have not been able to see the reason for it, that is, in justice to all who live in the municipality and partake of the service.

The Chairman: Is Mr. Bixbee from Palo Alto here?

Mr. Bixbee: Palo Alto has recently entered into a contract with a German firm for a 300 horse power Deisel engine, which is the engine that burns the oil directly in the cylinder, and has a great deal more economy in operation than a steam engine—for instance, their guarantee to us is .42 pound of fuel oil per horse power at full load, .45 at $\frac{3}{4}$ load, and about .5 at half load. Our plant is a small one. We have about 800 horse power and the plant is run as a steam plant, non-condensing. It is very efficient. We get less than 2 kilowatts per gallon of oil. I think the Pasadena plant gets over 3. But in passing, I want to make one remark relative to this resolution that is before us. I don't believe that it is good practice to put in that resolution anything stating that the cities should purchase or should own their distributing systems and not own their power plants. I believe that, as Mr. Koerner says, a great deal depends on the load factor. For instance, even in our plant, which is very inefficient, we will take a specific case—we will say that one month we will turn out 90,000 kilowatt hours and consume 50,000 gallons of oil—that is a little less than 2 kilowatts to one gallon of oil. Now, if we can increase our load in such a way as to increase the load factor, we will say next month giving a 100,000 kilowatt hour sale, we will get that 100,000 kilowatts for about 52,000 gallons of oil. In other words, we will get an additional 10,000 kilowatt hours with 2,000 gallons of oil, or make an increase of, say, over two kilowatts per gallon of oil to 5 kilowatts per gallon of oil. Those things must be taken into consideration. We are ourselves always willing to change to a power company, if they will offer us a rate that is right. The best rate we have been offered is $1\frac{1}{2}$ cents per kilowatt hour, and while it costs us, as Mr. Whittlesey says, something over 2

cents per kilowatt hour to generate that power, we have figured it out that we could not enter into a contract with a private corporation unless they could offer us at least one cent per kilowatt hour, with our present plant. There is another matter: Mr. Whittlesey thinks that the fact that the large cities are going to own big water supplies and produce current at a very low rate is another reason why the cities should adopt the policy of buying their current. But I think, to offset that, there are going to be other means made that will produce electric current as cheaply as you can get it from water power. In fact, take the Deisel engine, if it becomes successful with these oils at about two cents a gallon, I believe it will be cheaper to produce electricity in a Deisel engine than to go to the mountains and bring down power from a water power plant. The large cost of installing a water power plant, and perhaps having a reserve station in connection with it, often offsets the charges. The city has appointed a consulting engineer in Germany, by the way, to inspect the construction of this Deisel engine we are having made, and we intend to ship over a large quantity of oil for its testing, and we will only accept it after we hear the report of the expert.

The Chairman: We have continued this discussion perhaps as long as we ought, unless there is some discussion that some gentleman wishes to propose. Before we put the matter before the house—

Mr. Craig (interrupting): I suggest the resolutions be put before the house seriatim.

The Chairman: The proposition is now made that these articles suggested by Mr. Whittlesey be considered by the house seriatim.

Mr. Craig: With that view, I move the adoption of the first.

The Chairman: Mr. Whittlesey would like to make a suggestion.

Mr. Whittlesey: I hadn't any idea, in stating my conclusions and setting those conclusions and recommendations forth separately, of having them adopted by this League. I don't

think they should be adopted as a policy for the association at all. It is too big a matter. It is a matter of policy, whether certain things can succeed in certain cities or in others. I think it might be interesting to have them published, as Mayor Craig says, in the newspaper of the League, or some report, but as far as this League at this time adopting those recommendations, I think it would be a great mistake.

Mr. Peters: Mr. Chairman, I think Mr. Whittlesey's point is exceedingly well taken, and I move that the resolutions be laid on the table at this time.

Mr. Turner: I second the motion.

Mr. Whittlesey: I don't think Mr. Craig's intent was that they should be adopted as the policy of the Association.

Mr. Craig: My motion was that they be printed.

Mr. Whittlesey: I wanted you to say that again, because I thought that was what you intended, not that they should be adopted and voted upon in that light.

Mr. Craig: This is the first time we have ever had a professional gentleman on the platform of this convention who could be nailed down to anything. I am a layman. I pay the taxes. We pay the engineers, and I want to nail an engineer down to something. If you will read that first section, my motion was that we have it printed and a copy of these resolutions as adopted be sent to each municipality contributing to this convention or a member of this League—simply for information. This cannot possibly bind any municipality. Read the first section, please.

The Chairman: That municipal ownership of electric lighting plants in California is a success.

Mr. Craig: Without going into a lot of argument, this is concise and short and to the point. We can put this before the Board of Trustees, that this expert gentleman has investigated the municipal plants and made a report upon them, and only two out of the number have turned out with a minus balance.

The Chairman: Your motion is that they be printed?

Mr. Craig: That these recommendations be printed as indicating the trend of the discussion this morning.

The Chairman: That the conclusions of the gentleman on the platform be printed.

Mr. Turner: I second that motion.

Mr. Bonar: How long will it take before they are printed in the regular form—I mean in our municipal record?

The Chairman: I don't know about that.

A Delegate: Won't the term "lighting plant" be understood to mean the whole thing, whereas Mr. Whittlesey means a distributing plant?

The Chairman: This does not bind this convention or this section to any conclusions whatever. You have heard the motion, which is that we take this up seriatim and we vote on them, and that this conclusion be printed.

Mr. Bonar: I believe Mayor Peters offered a motion that the whole matter be laid on the table.

The Chairman: Then I will put that motion.

The motion was put and lost.

Mr. Craig: I now state the original motion, that the first section be printed and sent to each of the contributing members of this League. I ask that it be taken up in that way, because there is one of the propositions there that very likely we cannot agree upon, and which perhaps ought to be eliminated, and that is making the recommendation that small cities or all cities buy their current.

The motion carried unanimously.

The Chairman: Now in regard to the second proposition. Is there a motion in regard to the second section?

A Delegate: Are these being printed as the sentiment of the meeting, or what the speaker has said at the meeting?

The Chairman: The motion is that they be printed as indicating the trend of the discussion here today.

Mr. Henek: I don't think that is the motion.

Mr. Craig: Printed for information, Mr. Chairman.

The Chairman: Then it is that they

be printed for information. The question is now as to the second recommendation.

The motion carried unanimously.

The Chairman: The third recommendation is that accounts should conform to the Railroad Commission forms.

Mr. Craig: I move its adoption, Mr. Chairman.

Mr. Turner: I second that motion.

The motion carried unanimously.

The Chairman: The fourth recommendation is that the municipalities should own and operate their distributing systems.

Mr. Craig: I move the adoption of that one.

Mr. Turner: And I second that motion.

Mr. Evans: I think you should modify that—should own their distributing systems unless they can produce their current more cheaply than they can buy it—in other words, to include both in that proviso.

The motion, upon being put, carried.

The Chairman: The fifth recommendation is that municipalities should purchase current from the power companies, the large cities, and the State.

Mr. Craig: I move that we lay that on the table.

Mr. Evans: I move to amend the motion by adding "unless they can manufacture it more cheaply."

Mr. Whittlesey: I accept the amendment.

Mr. Craig: I will second the amendment.

The amendment and the amended article were unanimously adopted.

The Chairman: Some reference has been made here to street lighting systems and their operation in different cities. Before taking that question up, however, I would like to ask if Mr. Haines W. Reed, a member of the City Council of Los Angeles, is present with his paper?

A Delegate: He is ill, Mr. Chairman.

The Chairman: The paper of Chief Peterson we have already had. Consequently the program is clear with reference to the further discussion of the topic under consideration, unless other

matters are to be brought up. Is there any new matter to be brought up?

Mayor Monahan, of San Jose: We have here today a number of copies of the San Jose Municipal Record, a paper published by the City of San Jose, giving the people of that community in precise form the proceedings of the Mayor and Common Council, together with publishing the various ordinances adopted by the Mayor and Common Council, and in various ways presenting to the people in proper form any matter that we consider of importance to the people. You will quite frequently find that the daily papers misrepresent to the people of the city the acts of the Council, and the intention of the Councilmen. This paper we have found to be a very valuable asset to the City of San Jose. In fact, city officials throughout the United States are from time to time writing to San Jose, asking how we manage this and finance it, and in nearly all the libraries throughout the United States, you will find the Municipal Record, from New York down.

The Chairman: You have these papers to distribute?

Mayor Monahan: I have them here and propose to distribute them. If there are any questions that any of the delegates would like to ask, I would be glad to answer them. The papers will be at the secretary's desk.

Mr. Robson: How do you distribute them? Do you mail one to every voter, or what do you do?

Mayor Monahan: They are issued monthly under the direction of the Mayor and Common Council, and they are given free of charge to all the people, taxpayers of the City of San Jose, who desire to ask for them at the City Hall. At a dollar a year, we mail them to subscribers, regardless of where they reside. We exchange with all other cities that issue municipal records. The entire cost to the city is \$75 a month. The balance of the expense is made by the advertisements on the last page.

Mr. Bonar: Does the City of San Jose own its own press, or do you hire the printing done?

Mayor Monahan: No, the editor of

the paper is the secretary of the Board of Police and Fire Commissioners, and he manages the affairs of the paper during his spare time.

Mr. Bonar: I mean, how do you finance it? Does the city own the press?

Mayor Monahan: No. Mr. Murgotten, the secretary of the Police and Fire Commission, has these printed by one of the local printers in San Jose.

Mr. Bonar: Who pays for them?

Mayor Monahan: He does, from the \$75 a month he receives from the Council, and ads on the back page.

Mr. Bonar: It is self-supporting?

Mayor Monahan: With that one exception of the \$75 per month.

Mr. Henck: Do you also publish your ordinances in the legal paper?

Mayor Monahan: No, they do not publish them, unless we publish them in this paper.

Mr. Henck: Do you find it cheaper to publish this way than in local newspapers?

Mayor Monahan: Yes, so far as that is concerned.

Mr. Henck: But does the law allow you to substitute this publication for the local newspapers?

Mayor Monahan: We are not required to publish any of our ordinances. But we do publish them in this paper. Every month we have a different topic taken up in the paper. This month we have taken up county roads leading into the city of San Jose. Last month we took up in the way of cuts the neighborhood of the city of Los Gatos. Next month we intend to take up the city of Gilroy and other sections of the county to follow. In that way we call the attention of the people of San Jose to various improvements in our neighboring cities in Santa Clara county. Then in another issue, we will take up the fire department of the city of San Jose, and in still another one the police department. And so on. Quite frequently, by the published notices or explanations in this paper of the various portions of our city government, the people of San Jose are informed of things that they before knew nothing

about, that they would never hear of in any other way. In other words, they have no way of knowing it unless we tell them in this way. On the front page you will see the Portland incinerator, with the playgrounds about it. You will see there the proposed incinerator now in course of construction in the city of San Jose.

Mr. Henck: Does this editor collect all these matters of information?

Mayor Monahan: He collects all of these matters of information and secures the cuts as best he can.

The Chairman: Is that the official paper of San Jose?

Mr. Monahan: It is the official paper of San Jose.

The Chairman: Do you publish any of your proceedings, your street proceedings in that?

Mayor Monahan: No.

The Chairman: Do you publish any of your notices in that?

Mayor Monahan: No, not public notices. For instance, in contracts, we must comply with the charter, and they must be published.

The Chairman: Then this is not the official paper?

Mayor Monahan: No, but it eventually no doubt will lead to this paper being adopted as the paper of the city. For instance, if we wish to advertise for some work, that is, some contract, we must submit to the prices of the local papers. We asked the various papers of the city to bid for the city printing. There was not one of them put in a bid. So we are at the mercy of our papers there. They charge whatever they please to the city. \$25 and \$30 for a little small notice—for instance, advertising the construction of a sewer, there will be but one bidder, and it costs the city \$25 to advertise it, and we are compelled to pay it by our charter.

The Chairman: Do you think you could make that paper of sufficient general circulation to satisfy the law?

Mayor Monahan: It certainly would have sufficient circulation so that it would induce one contractor, at least, to put in a bid. Where we are talking

about street work, we all know that there are one or two or three contractors that do that line of work, and they would know it just as quickly by reading it in this paper as by reading the local papers, and we could save that much money.

The Chairman: What is your paid subscription?

Mayor Monahan: It is not large enough yet to have the paper entered. The price is \$1.00.

The Chairman: How many paid subscribers have you?

Mayor Monahan: We have not as yet gotten sufficient to have it entered in the postoffice as a regular newspaper.

The Chairman: Do you make any restrictions in the kind of advertisement you place in the paper?

Mayor Monahan: None whatever—none yet.

Mr. McCracken, of San Diego. I would like to have some expression with reference to the subject of ornamental street standards. San Diego has at the present time 215 lighting standards, which are made up of nine 30-watt lights, 11-volt lamps. Then we have 315 lighting standards with poles, five lights to the standard. Our blocks are 200 and 300 feet long. We have no instances of street lighting from overhead wires—everything is underground. We are about to embark on the installation of 315 more posts, and for that reason I should like to hear some expressions, as I indicate, as to what the cities propose to do. When we make up the assessment, it provides for the lighting of the lamps on these poles, furnishing current once a year on the basis of five dollars a month. The average kilowatt per post per night is two kilowatts. The charge for this is collected by the treasurer a year in advance upon the basis specified.

The Chairman: Has anyone anything to say on the subject?

Mr. Turner: In answer to the gentleman who just spoke, I will say that in Berkeley we have some electroliers and are about to erect some more. It may be a matter of information for some of the delegates here as to how we

do that. There is a new law, as perhaps you all know, enacted in 1911, whereby cities can compel the erection of these under proceedings similar to the Vrooman act. We advertise for specifications, the Council adopts them, and we advertise for bids under those specifications. The property owners have to pay for them, and the city maintains them. We have now installed some five electric light poles of this kind, three lamp poles, for which the city pays \$1.75 a month. We do not tax for the maintenance, but merely for the electrolier, the Pacific Gas & Electric Company maintaining them at \$1.75 per month. We are extending that work right along now.

The Chairman: And that work is done under the 1911 Improvement Act, instead of the street lighting act.

Mr. Henck: In Santa Barbara, we are about to do a little ornamental lighting, and after discussion of the matter, we have concluded that the single light standards are the best. It was originally proposed to put up five light standards, and light only one lamp ordinarily, reserving the others for gala occasions. But we came to the conclusion that that would look rather cheap, to have four dead lights on every post all the time, and we concluded to put up only as many lights as we could afford to light all the time. We thought the single light standard a little closer together was better than the big cluster further apart.

Mr. Bonar: We have just installed a standard light system for about a mile on a main avenue. We have ordered in two miles more of standard light system. We have six posts to the block, and that would make four on each corner, and two by the alleys, and we have five-light standards, and we keep them all lit. I am very sorry I cannot inform you our rate that we have on that, but I can say this much: I am a member of the Finance Committee, and sign all the bills, and our lighting on Pine Avenue, where before we had arc lights on every street intersection at \$5 per arc light, after we put the new system in, we of course took out the arc light, but we light those five-light standards

for the same amount of money that we lighted our are lights, and we have six to the block. Of course, you can reduce that electrolier rate by putting on smaller lamps, and give you the same effect, and still give you a very good light.

Mr. Whittlesey: I am afraid they have not included total cost in that, Mr. Chairman. There is a point that I should like to mention, if you will allow me to say a few words again, and that is that, where the property owners are assessed for the cost of the installation, it is not proper at all to compare thereafter simply the cost to the city of the maintenance of the lamp. The total cost to the city is made up of the electric light furnished by the company and maintenance, plus interest charged and depreciation on the investment made by the citizens, which is sometimes a very large item.

Mr. Henek: I would like to ask Mr. Bonar if the renewal of lamps is included in his cost as compared with the are?

Mr. Bonar: I think the city renews the lamps, but I am not positive of that.

Mr. Henek: But is that included in your \$5 a month, that pays for the block?

Mr. Bonar: No.

Mr. Henek: That is an important item with tungsten lamps.

Mr. Bonar: Our people have requested that they be installed.

Mr. F. C. Crowell, of Ontario. Are there many cities here of the sixth class that pay for lighting? Our experience is that we have a tax rate that goes into the general fund of about \$25,000, and of course that is the dollar rate, and it is the full limit, and we can't get any more. Out of that \$25,000 we are paying very nearly \$400 a month for street lighting, and it is still going up. We hardly have a meeting but what somebody comes in and wants his corner lighted, and we have to turn down a great many because we haven't the funds. I find in a great many cities, especially of the higher class, that the property owners pay for a part of the current. Alhambra is a city of our

class, and I believe it pays for all the current and many of the electroliers are way out in the barley fields, where there are no residences. As I say, we only have \$25,000 a year in our general fund, and this expense amounts to nearly \$500 a month. Ought we not to charge the property owners for a part of that current?

Mr. Emmet Barber, of Huntington Park: We are in the same condition, and the rates are increasing, and the demands for light are increasing, and we don't know what to do in regard to that. We tried, a little over two years ago, to put in a municipal lighting system and water system. The people voted it down. Now they are complaining about their taxes, because they have to pay for their street lighting, and still they want the street lights and want the number of them enlarged and the area extended. The question is, what we are going to do, as the gentleman who preceded me inquires.

Mr. P. A. Callaghan, of Watsonville: On the subject of street lighting, Watsonville has installed in the last year and a half an electrolier system that is a five-point system. The lights are all turned on in the evening at dark, and the four lower lights are turned off at ten o'clock, and the other light burns until morning. We have, besides all our street lights—in the first place, I should say that our little city is a city of 6,500 inhabitants, and we have a good lighting system and the total cost for lighting the city is in the neighborhood of \$300 a month. Of course I am unfamiliar with the rates, but only know the total as suggested.

Mr. Craig: What town is that?

Mr. Callaghan: Watsonville. We find that the five-point system is certainly to be recommended, for the reason that you do not have to use the five points all the evening, and it is advantageous to have them when you do want them. As a rule we go to bed early in Watsonville, and we turn off the four lower lights, as I say, and leave the upper light burning until morning, which is sufficient for the patrolmen. In that way we have a very beautiful

effect from the electroliers, and a good light at a reasonable cost. We don't own our lighting system. The citizens were assessed for frontage to install the electrolier system, and it is very satisfactory.

Mr. McCracken: I might say for San Diego that the city of San Diego pays 20% of the maintenance only—the property owner pays the remaining 80%. The people pay for the entire installation, and also pay for the connection from the primaries to the poles. The service company has no expense from the connection from the primaries to the poles. 20% of the maintenance of \$5 a month for the post is assumed by the city only.

The Chairman: Perhaps we have had a sufficiently thorough consideration of this subject. It has in the main been certainly quite satisfactory. The report we have had is certainly a very desirable one, and there seems to have been a great deal of information that all the cities have been seeking for.

Mr. Crowell: My question has not been answered, whether there are any representative cities of the sixth class where the property owners pay for a percentage of the current and maintenance, as they do in San Diego, where they pay as Mr. McCracken says. Are there any cities of the sixth class where the property owners pay for the cost of current and maintenance or any portion of it? The reason I ask is, as indicated before, that our inhabitants will not stand it unless we can get a precedent to bear on them to make them stand a part of the cost.

Mr. Edward Davis, of Corona: Our electric light system is paid for by the taxpayers, and it amounts to about \$3,500 a year. We have 25 arc lights, and the rest of the lights are tungstens. It costs us \$3,500 a year for the lighting and the taxpayers pay that out of the general fund.

The Chairman: The time of adjournment is at hand, and, if there are no further matters to be discussed at this session, we will stand adjourned for the day.

Tuesday, October 7, 1913

2 o'clock, p. m.

Department of Engineers, Councilmen and Street Superintendents

J. J. Jessup, City Engineer of
Berkeley, presiding.

Informal Discussion on Street and Road Pavements

Chairman Jessup: As chairman of this Section, I desire to make an announcement or two. As you know, the principal problem that confronts the municipalities, as reported by them this morning, is the question of pavements. This afternoon, on account of the absence of an official who was to address us on another subject, we can devote our entire time to the discussion of that most interesting subject. This telegram is self-explanatory. "Sudden death in family makes my appearance an impossibility. Milton Kraemer." This gentleman was to present a paper on the subject. "Garbage Incinerators for Small Cities." However, before the Department of Health Officials, on next Thursday afternoon, the subject of garbage incineration and kindred subjects will be taken up, and it may be best to take up that whole subject at that time, as it will save us from covering the ground twice. It will depend on how we get along this afternoon. We are to listen, also, this afternoon to Mr. A. J. Collins, consulting engineer, on the topic of water supplies from wells. This will be an illustrated lecture and will be held at a theatre across the street. Therefore, after we have concluded our discussion upon the topic of "Pavements," we will adjourn to the theatre.

It was the plan of the committee who made up this program not to have any set paper bearing upon this great question, but to have the whole time for discussion. I wish it were possible for us to so analyze and systematize the discussion that we might settle one or two things, anyway. I presume, however, that it is almost impossible to do

that, because we cannot settle those questions absolutely for any one locality. There are a number of points, however, which can be so treated. Of course, the first thing for a pavement is a foundation. That in itself will afford opportunity for plenty of discussion. The different kinds of pavement suitable for California are bituminous, macadam, basalt block, and perhaps others. However, the discussion will be limited, perhaps, to two. The macadam pavement discussion would resolve itself into water-bound and oil-bound, and perhaps simply an oiled surface macadam. The bituminous pavement can be broken up into several divisions as well — the foundation or base, whether it is going to be cement concrete or a bituminous base, and whether we are going to have a binder on the concrete, or any surface on it at all; and if we do have a surface on top of the concrete base, what it is to consist of, whether asphalt concrete, or sheet asphalt pavement, or some other kind of pavement—or petrolithic or bitulithic, as suggested. In order that this discussion may amount to something, we will all have to be perfectly ready and willing to talk, but we will also have to be perfectly ready and willing not to consume all the time. We are now open for this discussion, and I think we will proceed informally. If we are to proceed otherwise, it will be necessary to call upon someone to begin the discussion.

Mr. John B. Henck, of Santa Barbara: I want to ask if anybody has had any experience with cement concrete, without any surface on top. We have roads to pave where the concrete is too steep for an asphalt surface, and where the property is not sufficiently valuable to pay for an expensive pavement. I have heard of the use of cement concrete without any surfacing, and I would like to know if anybody has had any experience along that line.

Mr. Hugh Craig, of Piedmont: Five years ago the particular pavement you speak of, a concrete pavement, was recommended about the bay, and it was laid down on Webster street, between Oakland and Alameda. It has all gone

to pieces there. More of it was laid on Twelfth street, Oakland, and it went to pieces there also, and had to be ripped up.

Mr. Henck: How thick?

Mr. Craig: Call it eight inches—I don't recollect exactly how much.

The Chairman: It was good Hassam pavement.

Q. Just what is that pavement, Mr. Craig?

Mr. Craig: The Hassam pavement?

Q. Yes, how is it made?

Mr. Albert Givan, of Sacramento: Mr. Chairman, I want to call the attention of the delegates to one particular example of that, which is known to all of you who have attended a session of the legislature. There is a stretch of concrete roadway in front of the Capitol building in Sacramento, which has been laid there for fifteen years, and except on some of the corners where it has sunk and been replaced, it is in good condition. The tendency would be to show that, for horses or automobiles at slow speed, concrete without any covering is all right. It is not in charge of the city of Sacramento, but of the Capitol Commissioners, so I do not speak of it as a Sacramento product. It is wearing all right, as I say, for horses and automobiles at slow speed.

Mr. D. H. Clark, of Imperial: We have no pavement in our town yet, but we are going to put in a pavement of about two miles, on Imperial avenue and H street, and we purpose putting in a five-inch base of concrete, reinforced with wire, with a top dressing of about three-quarters of an inch thick of gravel and oil. I think it will work all right. If any of you gentlemen have anything better, I would like to hear of it.

The Chairman: Next year we will hear what you say about it. I am not sure that very much of the Hassam pavement is being laid at the present time. It is a patented pavement, and simply consists of macadam roadway concreted with one or two inches of cement grout and rolled with a steam roller. It has been laid extensively in Portland and one or two northern cities, although it has not had very

heavy use. I believe it is not considered a complete success.

Mr. Henek: That is not the kind I had in mind at all, but rather a regularly mixed concrete.

The Chairman: Perhaps we might take that matter up, and get the surface of concrete pavement out of the way. What has anyone to say in regard to concrete pavement without any surface upon it, unless it be a paint coat or thin bituminous coat.

Mr. Irving L. Ryder, of San Jose: I happened to be in Havana at the time the American Government was making experiments with all sorts of pavements. They had imported a great many of the vitrified blocks, of the asphalt pressed blocks, sheet asphalt, and almost every sort that could be thought of except concrete. When the American officers were succeeded by an American representing the Cuban government, one of their streets was paved with concrete, and I examined it after about a year of traffic. They assured me that nothing in the form of pavement had been sent there which so well satisfied their climatic conditions as that—it was not a concreted pavement like the Hassam pavement, but a straight mixture of concrete, finished with a wearing coat. That was the principal shipping street of the district, and traffic there was almost entirely of two-wheeled carts. The climate there is very warm and moist.

The Chairman: I understand that the largest amount of pavement of the kind just now under discussion has been laid by the State Highway Commission. Some of it has been down so that its merits can be determined within a degree, at least. Can we have any report of the appearance of that pavement? I understand we have a representative here from the State Highway Commission—Mr. Winslow and perhaps others, and we would be very glad to have a report on any of their experiences.

Mr. G. R. Winslow: I don't know that we have any particular report to make. We have under contract some 200 miles of that kind of pavement. Here is a sample of it. Perhaps half of this is built—a little less than half. The cost of this pavement to us is ap-

proximately the same as an oiled macadam pavement. Thus far, it shows very well. There is a little bit that was oiled last January, and that is the oldest we have with oiling. There are one or two places where the oil would not come up to the test, and we were not sure of results, but we do not anticipate any trouble from that. The main trouble we had, perhaps, is with the concrete base and water in a dry climate. You have to take great care on the part of the inspector to see that the sub-grade is properly watered, and that the grade itself is properly watered afterwards, during the concreting season.

Q. Does that seem to be standing pretty well?

Mr. Winslow: It stands pretty well, yes.

Q. How thick is your concrete?

Mr. Winslow: Four inches.

Q. And the top?

Mr. Winslow: About three-eighths of an inch.

Q. What does it cost?

Mr. Winslow: It differs a little—in different localities.

Q. And what is the expense.

Mr. Winslow: Seventy cents per square yard.

Q. How much oil do you put on the wearing surface?

Mr. Winslow: Half a gallon of oil per square yard, and as much screenings as that oil will take up.

Q. Is the price of eight cents per square foot based on the State furnishing cement and rock to the contractor?

Mr. Winslow: Yes, I will say the State has had a reduced rate on cement. They bought cement at a lower price than is possible in this State, except by buying a large quantity. We also have a very much lower price on the crushed rock than has been previously obtained.

The Chairman: What percentage do you estimate that at?

Mr. Winslow: I don't know that. I would not care to say offhand.

The Chairman: 25 per cent. probably?

Mr. Winslow: I should not think it would be as much as that.

Q. I would like Mr. Winslow to state the mixtures.

Mr. Winslow: One, two and a half, and five—approximately that.

Q. What oil are you using?

Mr. Winslow: At the present time Santa Maria oil, one-half gallon to the yard, and as much sand as the oil will take up.

Q. Crude oil, you mean?

Mr. Winslow: An oil having at least 90 per cent of asphalt. And we also require a sticky test on a machine that has been devised by our chemist.

Mr. B. D. Marx Greene, of Antioch: I would like to ask Mr. Winslow whether their depth of three-eighths of an inch is based on the financial necessities of the case, or because they think as thin a wearing surface as that is desirable—whether, if they had more money, they would put on a thicker wearing surface.

Mr. Winslow: On that we can say that the thickness of the concrete, thickness of the cover, and width of the road, are all based on financial considerations. The road would be wider and thicker if we had the money. We think this will answer the needs, however.

Q. How long do you require the concrete to set before you apply the oil?

Mr. Winslow: It has been our custom to open the concrete to travel after a matter of about four weeks, and allow the travel to wear off the top surface of the concrete before applying the oil. It may be a matter of months before the oil is applied.

Mr. M. C. Polk, of Chico: I would like to ask Mr. Winslow if any of this pavement with a three-eighths of an inch finish has been tried.

Mr. Winslow: Yes. Some of our own pavement has been tried since last December, but there are other samples of this same type of pavement that have been in use longer than that, I believe. We got a piece this morning in front of the High School in Santa Monica, which was finished last November, which is of a similar type and is today in ideal condition.

Mr. Albert Givan: Was that oil applied hot on top of the concrete?

Mr. Winslow: The oil is put on at

about 200 degrees Fahrenheit, with an atomizer, and sprayed under pressure, as a rule.

Mr. Givan: Mr. Chairman, in view of the fact that the State has under construction or has constructed roadway of this type, and every engineer in the State will have an opportunity to observe the pavement, I think it would be a good idea if we had thoroughly incorporated in the record the method of this top dressing. They have a way of applying, as I understand, two coats with an atomizer, and I would like to have Mr. Winslow or some representative of the State explain the process of applying it, so that all the engineers, as they observe the roads, will understand thoroughly what the method is.

The Chairman: I thought we might get that.

Mr. Winslow: Mr. Watson is here, the division engineer from Fresno, and some of this work has been done directly under his supervision; perhaps he can tell you about that better than I can.

Mr. Watson: In regard to the application of this oil, I will say that it is heated up to a temperature of between 250 and 300 degrees, and it is sprayed on the first application, as nearly as we can get, about one-quarter of a gallon to the square yard. It is then covered with screenings, and the traffic is allowed on it immediately. The second application may follow the next day, or maybe several days later, but previous to the second application, the pavement is gone over with a rotary horse broom, and thoroughly cleaned, and the second application is had of about the same quantity of oil, with sufficient screenings there to absorb any surplus oil, and when the road is completed, there is a total of a half gallon of oil. So far we have found no trouble with the thickness. I had some oil applied last January. At first we put it in one application, with a Monarch road oiler. This contained about four-tenths of a gallon per square yard, one application. The traffic out of Fresno going north was turned in upon this section immediately, and turned out well with the exception of a few small spots that we failed to properly cover at the time,

amounting probably only to one in every three or four square feet. These spots we left all summer, to see if they would enlarge or kick up. They were covered after they had been down there about seven months, and they have not increased in size any, nor have there been any other peeling or paring off of the pavement in any place. In regard to the thickness of the concrete, I will say that we have had traffic on there that amount to up as high as five tons, anyhow, frequently hay wagons and power company's wagons hauling long poles, and it would be safe to say that, up to a six or eight ton load, that that thickness would stand any weight that we put upon it.

Mr. Henck: What was the thickness?

Mr. Watson: The wearing surface is three-eighths of an inch, concrete four inches.

Mr. Henck: And what was the nature of the sub-soil?

Mr. Watson: The sub-soil was clay.

Mr. Henck: Generally dry?

Mr. Watson: Dry, yes, but we had to roll it very tightly there.

Mr. Henck: Was it likely to be softened up by water at any time?

Mr. Watson: Why, it could be, yes.

Mr. Craig: How much grade had you?

Mr. Watson: A drop of three-eighths of an inch to the foot,—fifteen feet concrete surfacing, and earth shoulders four and a half feet each side, making 24 feet in all.

Mr. Henck: Can you say anything about your specifications for oil, what sort of oil you use?

Mr. Watson: As Mr. Winslow stated, we require at least 90 per cent of asphalt in the oil. That is the board requirement. It is also subjected to a sticking test, which is considered very important in adhesion, and any oil that falls under the limit of 90 per cent for this concrete surfacing has been omitted from our work. So we have found very satisfactory results with 90 per cent asphalt oil.

Mr. Givan: I would like to ask if the State has made any experiments in using the more refined oil, or which

might be termed an asphalt of, say, 125 penetration—whether they have made any experiments along that line, to use that in place of the 90 per cent asphalt base oil.

Mr. Watson: To my knowledge, they have not made any such tests.

Mr. Givan: It would seem to me in view of the difference in cost between 90 per cent road oil and asphaltum with 125 penetration, that it would be well to have some experiments along that line for the product is much superior, as far as I can tell, and as far as the adhesive strength is concerned. From personal experiment, I cannot say very much, but I understand that the bonding strength of 125 penetration asphalt is about four times as great as that of 90 per cent road oil, and it has not the same tendency to bleed. And the idea of the State, I imagine, is to get as many stone chips into the surface as possible. It seems to me it is a line for experiment to try the substitution of 125 penetration asphaltum, or some such penetration. To my mind, it is a superior product.

Mr. Watson: Ours was simply a Santa Maria oil which ran about 90 per cent asphalt. Of course, the penetration, I could not say positively as to that. Speaking of the sticky qualities, we have had no complaint on that subject. I think that answers the question fairly well.

Mr. B. E. Cronkite, of Fresno: I would like to ask Mr. Watson which he considers preferable for use in this top coat, coarse sand or rock screenings, has he any preference.

Mr. Watson: Ordinarily I prefer screenings, but I think they both have very good qualities. We have frequently had screenings on there that would not make a proper mat—they seem to sink into the oil in spots, and in other places blow away—the sand seemed to make a more regular surface, it was sort of granular, and if there are any imperfections made in the surfacing, like horses' corks, the sand had the quality of holding itself, more so than screenings. So I consider that they are for that climate up there, not as good as the sand.

Mr. Craig: While we are on the subject of roads, I want to give you a memorandum from Piedmont and have it go into the record, so there will be an opportunity for the engineers and road-makers to shoot at it. A road that we put down about five years ago, using red rock and binding with oil screenings, after five years' wear went to pieces, and we plowed it up, 1569 feet long by 18 feet wide, making 3138 square yards, and gave it one inch of screenings, which cost \$144.50, then 2 inches of grey basalt rock, which cost \$280, spent \$95.85 for oil, \$26 for hauling oil, \$25 for labor, and rolling two days \$19, total cost \$590.35. That costs about 19 cents per square yard for replacing and refixing the surface of that road.

Mr. Cronkite: As I recollect Piedmont, the nature of the roads is such that the traffic to which they would be subjected is not that which you would find in Mariposa street in Fresno, but is rather inclined to be confined to the automobile and light pleasure vehicles. It is merely a question in my mind whether we should not subdivide the question into the types of pavement adopted, and particularly where there is motor traffic in the cities, and that available for those streets and roads which we are certain are to be confined to light traffic or automobile traffic.

The Chairman: I suggest that we finish up this question of concrete pavement. Mr. Craig has made his report and it is in the minutes, and it is for light residence traffic—we all understand that. Had we not better confine ourselves to this subject, and then take up another phase of it, and get some of it covered satisfactorily? I do not wish to be arbitrary, but as far as possible, let us seek to co-ordinate our discussion.

Mr. P. A. Callaghan, of Watsonville: I would like to ask the gentleman who gave the information on the State Highway if he has information on the piece of road that has been built in Santa Clara County from San Jose to Coyote? Is there anyone present who can? That is concrete—we are talking about concrete roadways now, I understand.

Mr. Winslow: One of the contracts there is for an oiled concrete road.

Mr. Callaghan: As I understand it, that road is all concrete, from San Jose.

Mr. Winslow: Yes, and you wish to know what about that road?

Mr. Callaghan: I wish to know, what is the present condition of it after being used.

Mr. Winslow: Very satisfactory.

Mr. Callaghan: I wish to say that I have traveled that road occasionally, and from my observation, the concrete is a failure. I am interested in street work and road work, street work in particular, being chairman of the committee on street work in Watsonville, and I expect to have something to say later when we are talking on another phase of this subject. But I would like to have some further information on concrete, if we can get it. They are now building at considerable expense this particular piece of road I mentioned.

The Chairman: Do you happen to know anything about the details of construction of that road?

Mr. Winslow: Although not having viewed it, I have investigated the road to which he refers. I might say that we have trouble in making contractors water the concrete during the curing process. They don't realize the importance of it. I think they are beginning to now. We have sent contractors back to many places and made them tear up concrete which they have built and replace it by new. In the road the gentleman refers to, there are some places in which the concrete, after being laid, was not kept sufficiently wet. It has dried out, and has a dead appearance on the surface, and in some places it has cracks over an inch in depth.

Mr. Callaghan: I understand that is the condition, and it is being repaired. I would like to have more information about it.

Mr. Winslow: Those places, after being prepared and put in proper shape, will be covered by an oil cushion. It will be the same type of road as this sample that has been passed around.

People are talking about concrete roads, but concrete roads with an oiled

surface, or any sort of a wearing surface, are very different. A purely concrete road, without any other surface on it, is usually given a fresh coat of mortar. But you take a purely concrete road, no matter how it is mixed, it is bound to go to pieces under traffic, that is, wheels and iron tires, or heavy traffic. This road was not intended for that traffic—it was intended to have a coat on it to protect the foundation course.

Mr. Theodore Brohaska, of San Jose: We don't know how far the discussion has gone, Mr. Chairman, because we can't hear anything at all. I have a question to ask in regard to the State Highway from Danville to Coyote. So far it is a failure, and going all to pieces. It is not yet completed, from the fact that the contractor has gone into insolvency, the top dressing is not on, but the concrete that is there at the present time is a failure—large cracks across the whole roadway in the concrete. I don't know what the cost of it is, on account of the road being built up and not having had any tamping or wetting down. But the road so far is a failure—I pass over it quite often. While I am on my feet, Mr. President, I would like to ask a question in regard to street paving, if there is any method that anyone knows that will prevent the top dressing of asphalt from creasing and forming what we call down our way a corrugated road.

Mr. J. P. Dickey, of Lordsburg: I should like to ask the gentleman as to how he puts down the concrete—in a slush, or put it down dry and tamp it?

Mr. Winslow: The concrete being used is what is known as wet concrete. As to that question of cracks, answering the gentleman from San Jose, it is recognized generally that there must be cracks on joints in the concrete. The question with the engineer is not as to whether there will be cracks, but whether they shall be artificial or natural cracks. If you make your artificial cracks, you know them as expansion and contraction joints. But you lay your concrete in a single sheet and you will get cracks by nature. With a proper bituminous surface over the

road, we do not anticipate any trouble from those cracks. I might say while I am on my feet that I have two other samples of bituminous surface roads, one small piece here that came from some of the Massachusetts work, which was a concrete road surface with tar and screenings, and another piece was brought to me by a contractor from New York City, which he said was a sample of the Dolarway pavement. The smaller piece is from Massachusetts, and the larger one is supposed to be the Dolarway pavement. I will pass these around.

Mr. Givan: I think that where this convention can draw any conclusion, even though it might not agree exactly with the personal opinion of every member in it, we should do so. A criticism of the State Highway concrete base, which was opened to traffic before it received the top dressing, would tend to show that we are not quite up to the point where we can disregard entirely the horse-drawn traffic. It seems to me at the present time, if we should do that, the pavements which we would lay would be disintegrated before the time arrived when they would cease to be a factor—when horse-drawn vehicles ceased to be a factor. I think that, and my opinion is, and it seems to be substantiated by the criticism of the concrete base, 1, 2½, and 5, which Mr. Winslow uses for a concrete base, that the criticism would tend to show that we must put some bituminous surface on a concrete base—up to the present time, at least. We may put only a thin one on, that will not stand any great wear, may not require any great maintenance cost, provided the horse-drawn traffic falls. If it continues and holds up, which there do not many of us think it will—we think it is on the decline, but still we must consider it at this time, and for one I don't think we can eliminate that factor to the extent of leaving the bituminous dressing entirely off the concrete base.

Mr. G. H. Atchley, of Hermosa Beach: About a year ago, we started in and put solely this pavement about 25 feet square on a corner which takes all the traffic to the business portion of the

city, trucks and the iron tires of wagons hauling cement and rock. That has been down a little over a year now, and is in fine condition yet. It was a little rough, and on a few of the high spaces the bituminous surface had worn off, but otherwise it is in good condition. We also have put 9000 square yards in the residence district adjacent to Hermosa Beach, called Shakespeare Beach. That takes automobile travel almost entirely, although the contractor has been paving some alleyways with the same material, and has been hauling material over this previously laid pavement, and it is holding up in fine shape, and I feel as the other gentlemen do, that in case of horse traffic with sharp corks, it will break away at the expansion joints or cracks unless those expansion joints are protected. But otherwise, I consider it a fine pavement for residence districts and for districts that will take the majority of the auto traffic.

Mr. Brohaska: Speaking of the cracks again, they are most noticeable as a defect in the State Highway as one rides along on the trolley lines. If those cracks are bound to occur, would it not have been better to have shown in the design, and arrange for them to go in perfectly straight lines across the street, instead of being jagged lines, sometimes running diagonally, as they are now? In one case, we have a well defined joint, properly cushioned, with its expansion material, and in the other case we have a very irregular crack, full of sharp corners, easily broken off. A great many of these people see those cracks and think they are defects. If it was known that they must occur, and if it had been so arranged that they would occur at intervals of 25 to 35 feet, it would have made a great deal of difference, because it really would have put off a great deal of criticism.

Mr. R. E. Robson, of San Francisco: Some time ago, hearing that my former home, Sioux City, in Iowa, had used a great deal of concrete pavement, I wrote there for their experience. It seemed they have used concrete pavement four and five inches thick, for both heavy and light traffic, with very considerable success. The first pavement laid was

not such a success, because they did not know how to lay it, and while I don't remember all the details now, it seems they found it was better to lay it comparatively dry, and flush the water to the surface by tamping. They tried the expansion joints at various times, some running longitudinally and some crosswise, and some of them diagonally. But they concluded to and are paving a great deal of the residence section, and some of the business section, with cement or concrete pavement.

The Chairman: Is that all two course work?

Mr. Robson: Most of it is two course work, yes. The way they started to make a concrete pavement was due to the fact that somebody probably didn't think they could stand the asphalt pavement all at once. So they were going to take two bites at the cherry, first put down the concrete base, and then, in a couple of years, put on the asphalt top, and up to this date they have not put on the top, because they have not found it necessary. A great deal of the criticism about concrete work and pavements of any class is due to the different conditions that are not foreseen and taken care of, or due to poor workmanship. When we are discussing any class of pavement, we must consider the class of work and workmanship that went into it, and it is not always fair to condemn a type of road, simply because we do not know the conditions under which it was constructed.

The Chairman: We have had quite a lengthy discussion of concrete pavement. Shall we consider this further, or go to some other topic?

Mr. Henck: There is one question, if I may be permitted to add to what I have already said, and that is the question of the thickness of the concrete over different kinds of soil. We have in Santa Barbara everything from Fresno clay or alluvial soil, up to hard pan, with plenty of rock in it, and we are specifying concrete bases varying from four inches to eight inches, according to the bottom. If there is any experience to be given on that point, I would like to have it.

Mr. Robson: Mr. Chairman, it just came to me that San Joaquin County has laid a great deal of roads of various type, and if there is anyone here that could speak as to the experience of San Joaquin County, it would be valuable. I have ridden over their roads a great many times, but of course I don't know the character of the road by riding over it. But I know that they were laid under the direction of Mr. Morton, a government engineer, some three inch concrete base road, and as I remember it, reinforced with chicken wire, you might call it. I don't know what their success has been, but I would like to know.

The Chairman: That was surfaced with bituminous covering, was it not?

Mr. Robson: It may have been.

The Chairman: Shall we take up that matter now?

Mr. Henck: I think this subject ought to have something definite said upon it. If a person speaks about concrete pavement, that may be almost anything you speak of in the concrete line. It is not definite, you ought to take up some line of discussion and say definitely what it is, whether a two course or one course, or whether it has any finish on top of it. I think that ought to be brought out.

The Chairman: I think on winding up our discussion, if we should reduce the discussion to some conclusions along that line, it will be valuable.

Mr. Givan: Some reference has been made to Sacramento adobe, or some kind of adobe, and it gives a base that is good for a concrete road. I am inclined to think, as a matter of fact, what is referred to is not a concrete road at all. Also expansion joints have been criticized. I think that subject ought to be taken up also.

The Chairman: Aren't we about ready to say that expansion joints are necessary.

Mr. Givan: Absolutely.

Mr. Winslow: We discussed in our office at considerable length the question of expansion joints. We have yet to reach the conclusion that expansion joints are warranted. I don't think we can anticipate just how many and just

where the expansion joints will be needed. If we provide for expansion joints, we will still have cracks between them, and the expansion joints are costly and uneven to ride over.

Mr. Givan: Simply to give a concrete form of discussion, I want to say that the city of Sacramento has definitely gone on record in favor of the hydraulic concrete base under all its streets. We are not now laying, except on the top of certain macadam and cobble streets where we are doing repair work, an asphalt concrete surface, in new sheets, without a hydraulic concrete base. We have definitely abandoned everything else; putting a type of hydraulic concrete base four inches in residence sections, with either one or two additional coats, as may be, with the detail according to our street superintendent's advice. But I simply want to mention that as the definite specific policy of one city.

Mr. Henck: Add good old Santa Barbara to that last—we are doing the same thing.

Mr. W. J. Bryant, of Los Angeles: I didn't get the gentleman's remark as to what the top coat was.

The Chairman: We are not discussing the top coat now, but the concrete base. We will get to the top coat by and by.

Mr. M. C. Polk, of Chico. In regard to the concrete expansion joints, my observation has been that, in extreme hot weather, you had better provide for them, but in moderate temperatures, it is not necessary—particularly in the interior valleys—to take care of the expansion joints where the weather is very hot.

The Chairman: Now in regard to two courses for concrete pavements. Is that necessary, or is it taking a good many chances to lay a four inch pavement in one course?

Mr. Givan: If the concrete is laid with a concrete mixer on the street, a distributor, a concrete mixer and the asphaltum distributor on the street, and the material is not tamped so that it will lose about 25 per cent of the mortar out of the concrete, by far the best results will be reached—at least the city

of Sacramento has got by far the best results from laying the pavement in one course, by applying it with the machine right along on the job, a tail spout from the mixer right on the street.

The Chairman: That is for base, however?

Mr. Givan: Yes, base alone.

The Chairman: How heavy do you make it?

Mr. Givan: We don't make any concrete base any heavier than six inches for our traffic.

The Chairman: Do you make that lighter?

Mr. Givan: We make that as light as four inches in the residential section.

Q. I would like to ask the gentleman from Sacramento whether he uses the expansion joint, or not.

Mr. Givan: No, we don't use any expansion joints, and our experience has been that for a city street where you have a top dressing of one and a half inches or two inches of sheet asphalt or bituminous macadam, that it is unnecessary. So far as expansion joints for a thin veneer, asphaltic veneer, with screenings, such as three-eighths of an inch, which the State Highway uses, I could not say whether it is necessary, or not. But there is plenty of bituminous material in an inch and a half top to take up any expansion of concrete, provided your surface mixture is not too dry.

Mr. Winslow: One thing about the thin surface. Thus far, none of these cracks have shown up through the thin surface that I know of. The three-eighths inch surface has been sufficient to cover all of those cracks that have been referred to in the concrete base.

The Chairman: I think we can draw our own conclusions a little better than to try to carry anything here. We would like to reach some definite conclusions, that is true, but it is very difficult for us to do so. I think this body sees the trend of things in California, and perhaps we had better take up some other phase of the pavement question, as we have already consumed a half hour time and have only about forty minutes left.

What will be the next line for our discussion.

Mr. Bryant: Mr. Chairman, I would like to ask for information in reference to any experiences along the line of a bituminous base. We have discussed the concrete base. Let us hear about the bituminous base. I would like to get all the information along that line that I can. For one, for the streets in a city, for moderate travel, I believe that three and a half or four inches of bituminous base, with an inch and a half bitulithic wearing surface, is the proper thing to put on. At least I signed a petition yesterday for work along the street where I live, for a few hundred feet, to have it paved along that line. I don't pretend to be an engineer, for I am not. But with the limited knowledge I can gain, I thought that would be the proper improvement to put my money in. I would like to hear it discussed at length.

The Chairman: That is the logical way of taking up this subject. Now let us have the asphalt concrete or bituminous base discussed. Has anyone any experience along that line? Are there any cities who have had any experience with either bitulithic or asphaltic concrete pavements?

Mr. Atchley: We have at Hermosa Beach a street about three miles long, with three and a half inches of asphalt cement, and an inch and a half Warrenite top, the pavement laid on the sand. It is in fine condition, and has been down about two years. The traffic is mostly autos, although there is a great deal of lumber hauled over it. We also have, lying in another section a strip of 2500 feet of the same pavement, and this portion is on a six per cent grade, and that receives very heavy auto truck traffic, a lumber traffic from the lumber yards of Redondo and over to Inglewood, and so on, and that is laid on the soil. That is, as this gentleman stated, rather in corrugated waves, although not to the extent that makes it rough riding over it. That has been down as long as the other, and it is to be determined what the result exactly is.

Mr. Bryant: Is that a bitulithic pavement?

The Chairman: You gave some experience a while ago in regard to a concrete pavement, and now you have given some as to an asphalt concrete. What is the relative cost of those two pavements.

Mr. Atchley: Our paving prices are based on so much per square foot, which includes the grading, and for a first class job of concrete paving, the contractor receives 13 cents on the first job, while for the next one he receives 20 cents. On the first one, he had probably 5000 yards of sand to remove, and on the other probably twice as much. On the Warrenite pavement, grading the same way, it ran about 19 cents, I think.

The Chairman: This last street you spoke of buckling, can you account for that, if laid under the same conditions?

Mr. Atchley: I think on account of these trucks coming into the city. They turn them loose and they come down that grade at quite a rate of speed, and it gets heated, and it is the natural tendency of down hill traffic that it should buckle.

Mr. Bryant: Was that a Warrenite top?

Mr. Atchley: A Warrenite top and asphalt concrete base.

Mr. Bryant: What thickness?

Mr. Atchley: Three and a half inch base and an inch and a half top.

The Chairman: Is there any other city has had experience in that line?

Mr. Givan: I think that perhaps we have as many miles of asphalt macadam streets as any city in the State, but we, I think, are peculiarly situated for that kind of pavements, in that many years ago the first street improvement consisted of from eight to twelve inches of gravel base, or, it was not a gravel base, but a gravel improvement, and the grades of those streets are such that we can take off a thin layer from the top and utilize that gravel base as a foundation.

Mr. Bryant: I don't hear you. Talk a little louder, please.

Mr. Givan: As I have just stated, Sacramento has a number of miles of asphaltic macadam or asphaltic concrete pavements. They were laid prac-

tically all of them, five inches in thickness and at the present time they are all laid in two courses, three and a half inches and two and a half—a little finer grade of rock placed on the upper surface. The experience, as we have had it there, has shown, and we have some about four years old—that is the oldest we have—that even in that time you must have a rigid foundation under it. We are still building them, however, owing to the fact that we have many streets, especially in the older part of the city, where the streets were originally improved with a gravel improvement, gravel ranging from four inches down, using a good clay filler, and the grades are in such condition that we can lay this asphaltic concrete on the same gravel, even, by just taking off a thin layer on the top, and in those cases the asphaltic concrete streets have given perfect satisfaction. Where they have been tamped on a dead foundation, I would not be justified in recommending them. Variations in the surface, and the constant pounding of heavy motor trucks, gradually make a slight wavy surface, which increases, the depressions increase naturally as the traffic continues, and from the age of our streets, I could not say that any of them are absolute failures—they are still good streets but they are developing, especially on the dirt-filled streets, a slight wavy surface, not a creeping of the wearing surface, but just a general slight settlement of the foundation, undoubtedly. Where they have a gravel base, ranging from six to eight inches of gravel base, they are practically—well, you can't make any impression on it at all, even before the asphaltic concrete is laid, they are giving absolute satisfaction—in fact, getting smoother and better from it.

Mr. P. C. Morrissey, of Santa Cruz: I want to ask the gentleman from Sacramento if, where he speaks of this asphaltic concrete surface being laid on dirt, that it is not as good as where laid on a gravel surface, doesn't that go down in spots and form circles, or does it go in large bodies? You say it is kind of wavy.

Mr. Givan: As I stated, the pavements that we have are none of them more than three years old, three or four. We have no dirt street that is over three years old, that is, asphaltic concrete street. And as I say, as yet, they could not be classed as failures. How far that foundation will settle, I am not in a position to say as yet. But they are getting more or less of an undulation on the surface.

The Chairman: That is due to the poor foundation, is it?

Mr. Givan: Undoubtedly due to the poor dirt foundation. Where the gravel is perfectly solid, and the supporting power is not left to the asphaltic concrete, why, it has given excellent satisfaction.

Mr. Morrissey: As to the dirt foundation, before the asphaltic concrete was laid on, was it rolled and tamped, or anything done with it particularly, or was the asphaltic concrete just laid on it loosely?

Mr. Givan: Oh, no. The foundation was thoroughly rolled and watered and wet and placed in as good condition as it is possible to place dirt nowadays.

Mr. Morrissey: And then you say it does not hold up nearly so well as where the base was three to six inches of gravel?

Mr. Givan: Sometimes it is from six to eight inches. Of course, my conclusions are with reference to Sacramento. With an asphaltic concrete street, it does not justify a dirt foundation, and that does not always follow, because with a hard sand foundation, such as we have in some streets, they are holding up splendidly, but the formation there is a sort of a holding sand. Those streets show very slight depressions.

Mr. Morrissey: Is there any moisture, do you think, in those streets—where the water is very near the surface—anything in the nature of quicksand or anything like that that would undermine the sand foundation?

Mr. Givan: It is a possibility; the ground water is very close to the surface at some time during the winter. Sacramento has a levee all around it,

and there are some instances where a foundation has been laid on adobe, and in those instances it has cracked entirely sometimes.

Mr. Morrissey: I think that is all I care to ask.

The Chairman: Those streets are the plain asphalt macadam, I understand.

Mr. Givan: Yes, plain asphalt macadam.

The Chairman: That was laid rather hit or miss, or was it bitulithic pavement?

Mr. Givan: No, it is not bitulithic pavement—it is wedged as close as possible, but it is really mixed by some process.

Mr. Polk: I would like to ask the gentleman from Sacramento in regard to whether he has anything to give as comparison in repairs as to the two characters of streets that they have there.

The Chairman: Has it been necessary to repair that street to any great extent?

Mr. Givan: Only in one or two instances where I stated where there were some bad spots, perhaps, or where the adobe came up through it, through the cracks. The only other places were in breaks cut by public service corporations. Was the question in regard to a comparison of repairs?

Mr. Polk: Yes, a comparison between the expense of repair of the two pavements.

Mr. Givan: Of course, you must remember that the pavements are too new to have any statistics as to maintenance.

The Chairman: Has anyone else any question along this line?

Mr. J. F. Byxbee, Jr., of Palo Alto: We have about one mile of pavement in our city, consisting of a bitulithic base four inches thick and one and a half inches of asphalt wearing surface that has been down for three years, and it is still in excellent condition. I am not anticipating any trouble from it.

The Chairman: Has anyone else any questions?

Mr. J. D. Armstrong, of Hayward: We have built approximately a mile of asphalt macadam—four inches of as-

phalt macadam and one inch of asphalt wearing surface. This is put down on a soil, a loamy soil, and it is subjected to the most severe traffic, both by heavy motor trucks and iron-tired wagons. During the last year, there have been thousands of ton of rock hauled over it, for the repair of the county roads, and it has stood up well. There are no waves, no depressions, no rolling of the surface, and it is in good condition. It is three years old.

The Chairman: Mr. Turner, will you tell the gentleman of the Section about Berkeley's experience.

Mr. Turner: Mr. Jessup could tell us all about that, but he is a little bit bashful. Berkeley has not as much of sheet asphalt—

The Chairman: Asphalt macadam, tell us about that.

Mr. Turner: We have two jobs of asphalt macadam, and we believe they are the best that can be got. About five years ago we put down one block in two layers, four inches and three inches, a seven inch pavement, and it is in as good condition today as when it was put down. That is five years ago. About three years ago, we laid quite a big piece of the same kind of work on one of our avenues, and the year after that time, the Oakland Traction Company had to dig up a portion of it to change a curve, and the pavement was almost indestructible—it was marvelled at by everybody, the density of the pavement. Our soil is all adobe, we take great care in having it thoroughly compacted, rolled with a ten ton roller, absolutely hard, before the pavement is applied. As I say, it is put on in two courses, four inches mixed with rock that will pass through a two inch ring, and three inches with a finer rock, rock that will perhaps go through an inch and a half ring. Those pavements we bank on. We think they are absolutely perfect. They don't look as smooth as sheet asphalt does, but they give a better footing for the horses' shoes and corks, and are entirely satisfactory.

Mr. Givan: May I ask what the four and three consist of?

Mr. Turner: Asphalt mixture, as-

phalt concrete mixture—asphalt pavement.

Mr. Givan: I agree with Mr. Turner when it comes to tearing up one of those pavements, they seem almost indestructible. But in the very hot weather in the summer time, they are quite elastic, even at that period. And for a seven inch pavement, it seems to me that the price would be approaching rather close to a concrete foundation pavement.

The Chairman: The price is 16.7 cents, including grading. Perhaps you have heard enough of Berkeley.

Mr. Givan: You can get a standard asphalt pavement for that price.

A Delegate: I would like to ask the gentleman from Berkeley one or two questions. On this avenue that you mentioned last, is there a city railroad?

Mr. Turner: Yes, a double track railroad.

Q. What effect has this railroad upon this pavement, close to those rails, and between the rails?

Mr. Turner: It stands the best of any pavement we have. I don't remember of any breakage along the line of the track. There are no breaks on the line of the track at all.

Q. Do you know whether this railroad track has itself a cement foundation?

Mr. Turner: It has ties—no cement under it at all.

Q. Can you notice any difference in your surface—does it look as if you could see all the ties by looking along there.

Mr. Turner: No, it does not.

Q. Is it perfectly smooth?

Mr. Turner: It is perfectly smooth.

Q. And on each side of the rail, does the jar of the rail have any effect upon the asphalt macadam?

Mr. Turner: It has not yet. It may in time, but it hasn't yet.

Q. How many years has it been there?

Mr. Turner: About three years.

Mr. Craig: I can give you some exact figures on that.

Mr. Turner: We have sheet asphalt in concrete base in Berkeley. But we have more trouble where there is a ce-

ment concrete base than with an asphaltic base, the trouble that the gentleman speaks of.

The Chairman: We have twenty minutes left: What shall we consider next?

Mr. Craig: Let me get this in. I have got the figures. These are the figures of a road that has been down three years, Grand avenue in Oakland. It carries the traffic of all the automobiles, 250,000 people, because all Berkeley, and all Oakland, and all Alameda and everything, their automobiles go right through Piedmont to see the good roads. I stopped at an outfit the other day, without engineer, and I said to the driver, "What is the weight of that machine of yours?" and he replied, "Six tons." I asked him, "How much redwood have you got on it?" He said, "4000 feet." "How many tons is that?" I asked, and he replied, "Six tons." There was 12,000 pounds of weight on it. That's the kind of a road that has stood against traffic of all the automobile people and the creamery people and the people from San Francisco, for three years, and there has not been one cent spent on it—not a dollar. There are eight inches of blue rock there. That is put down, five inches of the rock with water bindings, filled in the interstices with water and fine screenings, and that is finished with three inches of inch and a half, one inch, and screenings, gray rock, oil bound, with 90 per cent oil, and there has not been a single dollar spent on it in three years, and it is as good today as when it was put down. The road is eighty feet wide, 110,865 feet of it.

Mr. Givan: How long has it been down?

Mr. Craig: Three years.

Mr. Givan: What did that cost, Mr. Craig?

Mr. Craig: Eleven cents per square foot.

Mr. Givan: Is it on a level or grade?

Mr. Craig: Perhaps 3 per cent.

Mr. Givan: How much oil did you use?

Mr. Craig: Three applications, half a gallon to the yard each time. Before there was an inch of rock put on it,

that was rolled with a ten-ton roller, and when the contractor thought he had rolled it enough, we sent him back and made him roll it again, and then when he thought he had rolled it enough, we sent him back once more and made him roll it again, and we kept him rolling it until we decided it was time to put the rock on. That's the history of that road. It was rolled about double the rolling that an ordinary clay road gets, and then the rock was rolled into that sub-grade, and bound with water and screenings, as I say, and on top of that was put the three inches of rock, inch, inch and a quarter, and inch and a half, with screenings, and oil bound, and it has not budged in three years. There is another matter that I want to get out of my system. And I want to say, Mr. Chairman, that there is more money spent on roads than in any other one thing, and if this convention can give attention to these general roadmakers and engineers, the value of the convention will be known all over the State—it is the most interesting section of all. A gentleman asks how much oil we put on. A gallon and a half to the square yard, three applications of half a gallon each, sprayed on.

Mr. Givan: Half a gallon each time?

Mr. Craig: Yes.

Mr. Givan: And rolled each time?

Mr. Craig: Yes.

Mr. Givan: How much did the contractor lose?

Mr. Craig: Our contractors didn't come back to the trustees with any story of losses. We don't want any contractor to take any work in paving on which there is a possibility of loss. Our specifications are so drawn we know exactly what we want, and we have the money to pay for it, and I don't know that any contractor has lost any money on any job in Piedmont. They are still in business.

Mr. Henck: I remember two years ago when this convention met in Santa Barbara, Mr. Craig told us about his roads that were rolled and rolled and rolled some more, and I suppose those are the roads that were three years old and after five years they failed. Is that right?

Mr. Craig: The road that I told you was rolled and re-rolled and re-rolled some more, is still in existence, and there has never been a cent paid out on it. The road that was down five years was an old rotten kind of a rock road. And I want to make myself perfectly clear: that road was not put down by any contract with the City of Piedmont, but by some speculative land owners who wanted to sell their lots.

Q. How much do you roll the first course of rock?

Mr. Craig: To the satisfaction of the engineer of the Town of Piedmont, and then he reports to the board, and we tell him to go back and roll it again.

Mr. T. D. Allin, of Pasadena: Mr. Chairman, I have been very interested in listening here today—it suits me much better to listen than to talk, because I am not a talker. We have had some experience in building highways in Pasadena. I will speak now very briefly of the oil macadam, more briefly because the city engineer is here and our street superintendent, and they are exactly in touch with the work done there. We do not claim that we have the best streets in the world in Pasadena, but we do claim that we have had considerable success with oil macadam, and we have had some failures. We consider the secret to be perfect inspection. And not only that, but that the contractors shall bid enough so that they will make something on the job. We have found much of our failure due to the quantity of oil that we have used—entirely too much oil in our first street. Keep the quantity of oil down, especially if you are building in winter time. I spent a day, a few days ago, with the thermometer 108, going over our more modern oil macadam streets, and they were not really sweating—a very good test, indeed. Use larger rock—the tendency is to have too small rock in the specifications. And keep the rock as close as you can to the surface. As little screenings as possible, as large rock as possible, thorough rolling, thorough inspection, and as little oil as possible, and you will have a good oil macadam street.

The Chairman: I think it would be

interesting to hear the experience of the city of Los Angeles.

Mr. Lorin A. Handley, of Los Angeles: I don't know that I can add anything to the discussion, Mr. President. The pavement in Los Angeles is largely of the sheet asphalt type, with a concrete base ranging from four inches to six inches in the heavy traffic streets. Just at present the Board of Public Works has had the engineers revise our specifications, and we are changing nearly all of them, eliminating the oiled graveled street entirely from the city of Los Angeles, because it was unsatisfactory and was bringing a large maintenance bill to the street department. In that fashion, we are caring for the future as well as for the present. The tax for the maintenance of streets in Los Angeles is getting to be a very considerable matter, for we have 107 square miles of territory within the city, and it is a very difficult thing for us to charge the future in that respect. All that has been said here about streets of one kind and another, we have experienced in Los Angeles. I am very frank to say that, as it came out in the matter of the discussion of concrete and other streets, the matter of conditions and workmanship are as essential as anything else. You can put down all kinds of concrete streets, and you can put down concrete streets that will stand the wear as well as those that won't. We did attempt, against the judgment of the Board of Public Works, however, to put in a concrete base of three inches. But those who got the privilege, discovered when they hauled a load on it that they didn't want it after all, and four inches is the least that we have had. We have had difficulty with oil macadam. We have had some good oil macadam. But that matter depends largely according to our experience, upon the kind of work that is done. I want to call attention to just one thing, and then I am done, and that is that under our city laws, we provide \$2 or \$2.50 a day for inspectors. Street pavements should be put down under an inspection of competent engineers and you cannot get them for that price.

Continued in February issue.

What is City Planning?

CITY PLANNING is the application of civic forethought.

IT WOULD PROVIDE by expert advice a definite scheme of city development with a definite end in view.

IT WOULD MAKE every lick tell—every dollar of the tax-payers' money do the work of two dollars where possible—every act of the city part of a clean cut city building scheme.

IT WOULD DO AWAY with present haphazard development.

CITY PLANNING is the science of knowing and profiting by other cities' experiments in civic development, and of making the finest and strongest local application possible.

IT WOULD APPLY the principles of efficiency to city growth.

CITY PLANNING is practical team work.

IT STRENGTHENS the hands of every city official by expert advice and fills him with confidence by working toward a consistent end.

CITY PLANNING pays because it prevents the costly business of correcting mistakes.

CITY PLANNING must be undertaken, first, from an economic standpoint; second, from a social; third, from an esthetic—not in the reverse order as has usually been followed.

CITY PLANNING assures the orderly and slightly development of the city.

IT HANDLES the traffic problem to save time and money in more direct transit of goods and people.

IT INCREASES all property values by preventing the many evils of haphazard building.

IT PREVENTS stunted and diseased children by providing playing and breathing places through adequate play grounds and parks.

CITY PLANNING arouses and cultivates new civic thought and civic pride—it stirs all classes of people.

C. H. CHENEY.

HOW CALIFORNIA CITIES CAN PROFIT BY ACTIVE CITY PLANNING

By CHARLES HENRY CHENEY †

"Men can think in city terms just as easily as they think in terms of great railroad systems if we but think we can. We must think in terms of city building, we must have a city sense, we must have city architects and educational and social engineers, just as we have them in private business."*

The commercial and patriotic stir felt in all parts of California at the opening of the Panama Canal is of far more significance to Pacific municipalities than would appear upon the surface. We are preparing for extension in all lines of business. But what are

we doing to prepare for the tremendous influx of foreign immigrants and others known to be coming only next year, and the municipal problems which this additional population will create?

We frankly can not deny that, aside

† (Mr. C. H. Cheney is a practicing architect who has for some time been engaged in active city planning work in this state. A graduate of the University of California, he spent three years in Europe, studying at the Ecole des Beaux Arts, Paris and in Rome, besides making investigations of the more important cities of England, Spain, France and Italy. Two years in New York City put him in touch with the best city planning thought and developments in

this country and since returning to California in 1912, he has applied this knowledge to problems peculiar to this coast. During the past year Mr. Cheney has been chiefly engaged upon an extensive city planning study of the new three thousand acre town site of West Sacramento, together with several other smaller town sites, in the Sacramento Valley, going into the problems of traffic, streets, parks and planting, housing, zone systems and the proper protections for such cities.—Ed.)

*Dr. F. C. Howe, Director of the Peoples Institute of New York

City Planning Aim and Procedure

City planning is the name given to the science and the art of providing for the most practical and agreeable development of a city or town.

It would prevent the recurrence in newer districts of the mistakes of the older.

It would profit by that which time has proved worth while in the experience of any city.

It would diagnose the troubles of a community from all points of view—social, political, economical, esthetic.

It would prescribe the remedy best suited to the particular needs of the case, with a view also to preserving the individuality of the community.

It would determine the relative urgency of the various needs, and plan a consistent program of procedure covering every phase of the subject.

It would concentrate on these matters in turn and get concrete results.

GEORGE B. FORD.

A Summary by Columbia University's City Planning Lecturer.

from the great advantage of climate and beauty of setting which this wonderful state provides, our cities are pretty well tied up in a knot from haphazard growth, without consistent city planning of any kind. Unfortunately, it is only in the last few years that this new science has developed in this country, but California, which already leads in its school system and in many other ways, is certainly not willing to lose any opportunity for forethought and practical city planning, particularly if city planning studies can be shown to increase the life, liberty and pursuit of happiness of the present, as well as future generations.

The tremendous civic awakening that is going on in all parts of this country and Europe has brought to light so many successful experiments in city building that no progressive city official can now afford not to know the best way for doing things. The trouble is, that with overlapping departments and the mixture of administrative with legislative functions, our present city officials find it very difficult to co-ordinate their acts and to keep always an eye to that which will have a "survival value."

City planning is the science of "survival value." It would make every expenditure, every necessary correction of existing conditions, lead to a definite, logical conclusion; every change of street or street opening, every pur-

chase of any kind of land, every consideration of the routing of traffic, of franchises, of the placing of public buildings, of expenditures for parks, play grounds, incinerators, schools, building laws, plumbing laws, sewers, or any other public improvement of any kind, would be made, only if it worked toward a definite and final plan or scheme of city building. The present haphazard and unrelated expenditures (from year to year or administration to administration) have worked against anything consistent along this line. It is to co-ordinate these departments and to aid officials with the weapons of the knowledge of successful precedent and the confidence that is inspired by the assurance of being on the right track that the states of Massachusetts, New Jersey, etc., have passed laws compelling all cities over a certain size to establish city planning commissions which shall employ experts as coaches and bring about team work in city building.

A Program Is What Is Needed

It is evident in most cities that there is crying need for a program of development, made independent of politics and changes of administration—some bureau that can carry along continuously toward a definite conception, every step the city takes. Until some commission can be organized with the guidance of the city's physical growth

City Planning Means

CONSERVATION of human energy and life	NOT merely superficial beautification.
ECONOMY, necessity, scientific reality	NOT extravagance, dreams, fads.
A definite PLAN of orderly development into which each improvement will fit as it is needed.....	NOT the immediate execution of the whole plan.
BUSINESS methods for city work.....	NOT the surrender of the city to artists with vague schemes for civic adornment.
CORRELATION of the city's activities..	NOT wholesale alterations at great expense, with no assured financial returns.
Encouragement of COMMERCE and facilitation of business.....	NOT the interruption of commerce and business.
PRESERVATION of historic buildings with their associations	NOT the destruction of the old landmarks and city individuality.
The development of an AMERICAN city.	NOT imitation of London, Vienna and Paris.
Exercise of common FORESIGHT and prudence	NOT ruinous expense and debt.
HAPPINESS, CONVENIENCE, HEALTH, for all citizens	NOT merely expensive boulevards and parks available only to the rich.

ARTHUR C. COMEY.

A Graphic Presentation by a Member of the Massachusetts Homestead Commission.

as its one business in life, there has been little success along these lines. It is a peculiar thing that the oldest mossback of a citizen when once clearly educated to a definite program, can not help becoming something of a booster.

This program of development need not mean any definite expenditure of large sums or bond issues. Better that it simply says that every step the city takes shall be a forward step—too many of our cities have been marking time, sidestepping or even going backward. The important thing is to make a program and to be sure that it is comprehensive—big enough and broad enough for the future.

City Planning Not Alone Landscape Architecture

Far from being a mere study in landscape architecture or the superficial stirring of the city in another one of the many agitations for "A City

Beautiful," the real subject of city planning goes deeply and vitally into the pockets of every one of us in its careful analysis of the problems affecting city land values, business and the assurance of permanency and growth in conducting the same and of the enjoyment of life and health. It is no wonder that the great strides of the German and English cities are now being eagerly examined and followed in this country.

Waste Elimination Is Problem.

The elimination of waste is the world's greatest scientific problem today. Every business man is at it; every professional man is studying it. Certainly if California cities can find a way to cut down their expenses in the future and hence their tax rate, if they can so lay out the future growth of the city as to make one dollar do the work of two every business man and every citizen will see the point.

It is this that city planning has accomplished and is accomplishing today. By the employment of experts on the subject to study actual conditions and from the facts so found, it would work out a logical and comprehensive scheme for the opening of streets, the routing of street cars, provision for comprehensive park and play ground systems, and the vastly important study of providing good and attractive houses for working men near their work, with healthy, comfortable surroundings.

Entering Age of Organization

We are entering what may be called an age of organization. The great power of organization, the utilization of all known available data for the development of any one line of endeavor, has been capitalized by large corporations under the title of "Efficiency." Business and private efficiency was, of course, developed ahead of public efficiency, but the steady march of the world and of the United States in particular, toward a higher and more exacting civilization, can be readily seen in the trend of new laws, the activities in most of the cities in this country toward municipal efficiency in sanitation, housing conditions and in city economy of all kinds.

Most cities, and certainly our American cities, with which we are mainly interested, have simply grown and expanded, not only as to physical development, but as to administrative methods, on entirely unscientific lines of least resistance and with the false notion that individual interests must prevail as against the interests of the community as a whole.

City Planning a Study in Efficiency.

City planning is but one phase of this larger movement for efficiency, of attractive and commonsense street layouts and paving, of efficiency in the conservation of public health. It is the practical study of traffic, of the cultivation of pleasing and restful features in residence communities, of the capitalization of the attractive and beautiful in the city's streets and public buildings. It requires the general

utilization of every practical and esthetic means to plan, advise and guide the building of the highest type of municipality.

Modern city planning places small emphasis on the esthetic and beautiful development of the city, unless it be productive of economic results, and lays broad stress upon practical and constructive ideas.

Local Ignorance of City Planning Can Be Overcome.

The greatest difficulty city officials and others interested have found in attacking local problems with the aid of this new science is in making people see the necessity for immediately getting to work. There is not only the usual apathy to overcome, but also the lack of literature and material on the subject. To take care of this the best way that has been found is to organize a city planning exhibition, similar to the Budget and Health Exhibitions of New York and elsewhere, which have had such tremendous results in the East. There are now cities of only two thousand inhabitants organizing such exhibits. Such exhibits provide photographs, placards and pamphlets of street work, civic center, school buildings, play grounds, parks, harbors, and, in fact, all kinds of development.

However, it has been found that local exhibits of this kind can not arouse much interest unless there is also at hand similar material showing what other cities have done, principally material which shows where they have done things well. There was, therefore, recently organized in New York a National City Planning Exhibition, held in the Public Library from November 24th to December 6th, to visualize to the people of New York the necessity for a city planning commission and, particularly for the regulation of the heights of buildings.

National City Planning Exhibit Coming to California

This exhibition has such a wide range of subjects and produced so much vital and interesting material that it has been organized on a per-

manent basis to travel over the country. The accompanying illustrations are taken from placards gotten up for it. During the next few months it can be obtained at a reasonable cost—to cover transportation, setting up, insurance, programs, etc.—for a week or ten days, early in the Spring, for dates to be arranged.

Alive to its possibilities and to the necessity for immediate city planning work in order to shoot the city ahead of its competitors in this state, the Oakland Commercial Club has been for some time negotiating to obtain this exhibition and sent a personal representative East to view it, who reports most favorable on its possibilities. The city of Sacramento is also negotiating for it for the same reasons.

Certainly no better means of visualizing to the general public what can be done locally has been found than this method of a great City Planning exhibit. It further has the advantage of immediately arousing local patriotism by comparison with what other cities have done and are doing. Further information about the present traveling exhibition can be obtained from the Secretary of the League of California Municipalities, Pacific Building, San Francisco.

Start Something Now

In 1915 we expect to hold in Oakland a world congress of municipalities and there will, in all probability, be held at the same time a great exhibition of all material and progress in city development in the four quarters of the earth. This great exhibit and the papers and speeches of the greatest experts on municipal affairs who will be here, will undoubtedly be given much unusual publicity by the newspapers of the state—which will set every citizen thinking upon these subjects as he has never done before.

If then the California municipalities which are progressive will start now at the beginning of 1914 to get a City Planning program, they will be ready in 1915 to take advantage of all this publicity and perhaps by obtaining some of the visiting experts to speak, etc., get the first and most important items of their program put into execution while interest is at its height. It will certainly be a rare opportunity. Let us make the most of it to obtain market, harbors, civic centers, parks, play grounds, and the other things that go to make a city worth while.

(In subsequent articles Mr. Cheney will take up "How City Planning and City Growth Depend Upon Traffic and Transportation," "Capitalizing Attractiveness in Your City by a Civic Center, Parks, Etc.," "Solving the Housing and Sanitation Problems," "What Other Cities and States Have Done and Are Doing in City Planning Work," and "How to Organize City Planning in Your City." These articles will also be supplemented with short news items of what other cities are accomplishing along these lines.)



THE RELATIVE ECONOMY OF CONSTRUCTING BITUMINOUS CONCRETE PAVEMENTS AND BITUMINOUS PAVEMENTS BY PENETRATION METHODS

By George C. Warren, President of Warren Brothers Company

(Paper read before the American Society for the Advancement of Science, held at Atlanta, Georgia, December 29, 1913.)

In discussing the subject which has been selected for the writer, he proposes to consider the matter of "Economy" in its broadest sense, i. e., general efficiency rather than initial cost of construction, which cost of construction is in reality only one factor, and the writer believes one of the least important, although quite generally regarded as the all-important factor of economy.

Taking this broad view of economy, the writer proposes to adhere strictly to the subject and to not becloud the issue by referring to the makeshift forms of construction which are so frequently miscalled "Bituminous Concrete (mixed method)," but which are not concrete at all, either because

- (a) On the one hand they consist of mineral aggregate of nearly uniform size, merely coated with bitumen, containing about forty (40) per cent of voids, through many of which a good sized worm could crawl and which, with the "seal coat" having a thickness less than one-fourth inch broken or worn off by traffic, water can pass through as freely as through a grape basket,

- (b) On the other hand they consist of mortar (mixture of sand and bitumen) with the addition of a little fine crushed stone (just "enough to swear by") like currants in a fruit cake.

Nor does he propose to discuss the makeshift construction, which consists of spreading oil or other bituminous material over concrete or all macadam road surfaces, because this is not really a penetration method, as the bitumen does not in practice penetrate the roadway, but merely produces a thin temporary surface coating consisting of the bitumen and the sand or screenings spread over same.

Keeping constantly in mind this broad view of the term "economy" he proposes to discuss only:

- (a) True "Bituminous Concrete" and
- (b) "Bituminous Macadam" as defined by The American Society of Municipal Improvements at its 1911 Convention at Grand Rapids, Mich., as follows:

"Bituminous Pavement Definitions

"BITUMINOUS CONCRETE is a pavement consisting of a combination of broken stone and sand, or fine mineral matter, cemented together with a bituminous cement, and which has all

its ingredients mechanically mixed before being laid. To be termed a bituminous concrete it must partake of the well-known characteristics of concrete, that is, there must be stone enough in its composition to form an important part thereof and add to its strength and durability; also there must be enough of the mortar constituent, that is, the sand and bituminous cement, to properly support and bond together the largest particles. It is normally a one-layer pavement, all parts of it having equal stability, due both to the structure of stone and the bond of the bituminous cement, and depending on the base for vertical support only. It may or may not be finished with a skim coat and top dressing of sand or stone chips. It is adapted to be laid on either a concrete or macadam base, which may or may not have a light coat of bitumen to increase the adhesion.

"In the paving mixture, gravel may wholly or in part be substituted for crushed stone, and fine crushed stone for sand. Mineral dust also may be added to increase the density and stability of the mixture.

"BITUMINOUS MACADAM is a pavement consisting principally of crushed stone, retains its integrity of structure mainly by the mutual support of the various particles of stone, aided by the slight bonding value of the fine mineral matter in its composition, and protected from surface disturbances by an upper bonding layer of bituminous material. It is a one layer pavement and there is no definite distinction to be made between the wearing surface and the base, as in their nature they must be knit together in one structure. Practically all the horizontal stability as well as vertical support is from the macadam base. * * * "

As it is manifestly impossible to ex-

press a true comparison of the economy of these two types of construction in dollars and cents, the writer will endeavor to show the relative satisfaction which has been given the public by several instances where both types have been in use on the same street for several years.

In a paper prepared by the writer for the International Road Congress held in Brussels in July, 1910, on the subject of "Bituminous Roads—Mixed and Poured," he referred to a then recently constructed "Bituminous Macadam Penetration Method" road then one year old and constructed with most careful consideration of the details and most approved methods of construction on Huntington Avenue, Boston, one section using bituminous cement prepared from coal tar, and the other from asphalt.

A series of eighteen photographs accompanied that paper, showing that, notwithstanding the unusual care practiced in the construction, the unequal distribution of the bitumen was such that the surface of the road was badly marked, rutted and "shoved" in many places, having a surplus of bituminous material and in many other places pitted and raveling where insufficient bitumen was distributed, or it had insufficiently penetrated into the voids between the particles of stone.

Now, after four years' use and very considerable repairs each year, the bituminous material on the section laid with bituminous cement prepared from coal tar has practically all disappeared and the macadam, which is also badly worn, is carrying the traffic. In small portions of the surface, where a surplus of bituminous material was used, it is still in evidence and its condition fairly represented by the following photographs taken in March, 1913:

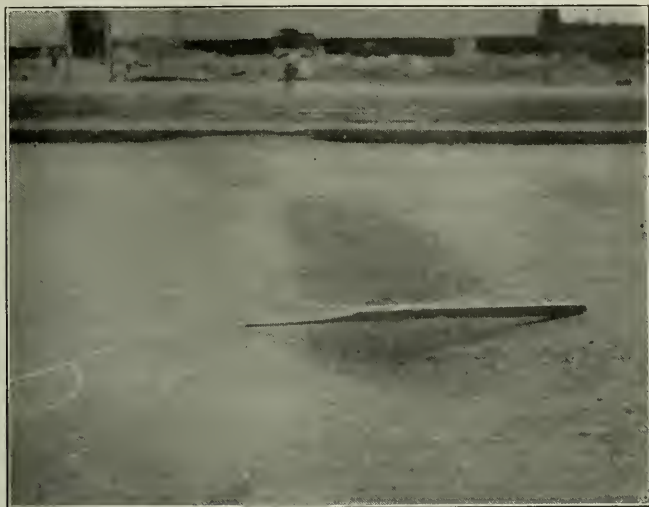


Huntington Ave., opposite North end of Medical School Grounds, Boston—Penetration Method using coal tar cement, after four years' use, showing holes and "waves" in surface.



Huntington Ave., opposite South end of Medical School Grounds, Boston—Penetration Method using coal tar cement, after four years' use, showing holes and "waves" in surface.

The section in which asphalt cement was used is, after four years' use, in better condition than the coal tar cement section referred to above in that, in the asphalt section the asphalt for the most part is still in evidence, but the road surface is in a most deplorably unsatisfactory condition, as shown by the following photograph:



Huntington Ave., opposite No. 331. Section laid with asphalt cement by the penetration method after four years' use. Photo taken March, 1913, general wavy condition and ravelled section.

On the same side of Huntington Avenue but two miles nearer the center of the City, and consequently carrying more than double the volume of traffic than the "Penetration Method" construction above referred to, is a "Bituminous Concrete Mixed Method" pavement laid in 1905, which has stood the traffic of eight years and illustrated by the photograph on page 40:

The relative economy of these two stretches of pavement is about as follows:

- 1st. **Length of time street was closed** to traffic during initial construction, about equal for the two types.

- 2nd. **General appearance of street surface** at time construction was completed, about equal.

- 3rd. **General appearance, during the first warm weather in Spring** following construction, Bituminous Concrete presented uniform hard gritty surface, presenting easy

traction, and good footing for horses.

Penetration Method, where insufficient amount of bitumen had been used, was already raveling in spots, but where excess of bitumen had been used, surface was badly shoved in spots and bleeding to such an extent that the entire area which had been laid with asphalt cement was given a coat of crusher screenings, which soon ground up and made the street exceedingly dusty for some weeks, and also made traction so heavy during warm weather that horses

approaching this stretch at a trot would break into a walk before traversing one-half its length.

- 4th. **Interruption to traffic** while making repairs: Bituminous Concrete has stood for eight years without any such interruption.

Penetration Method has, during the four years of its life, been repaired in spots many times, with traffic naturally impeded, even though not entirely blocked by the repair gang.

- 5th. **Initial Cost** of the stretch laid by the penetration method is not known by the writer, but was probably about two-thirds that of the Bituminous Concrete.

Summarizing the above shows that these two types of construction have given the city service as follows:

Bituminous Concrete—A wearing surface perfectly satisfactory for all classes of traffic for eight years, the volume of traffic be-

ing moderately heavy at time of construction and steadily increasing since that time.

Penetration Method—Gave satisfactory wearing surface during the few winter months immediately succeeding construction, but has never been satisfactory since that time.

This construction was cheap in first cost, but its present condition well illustrates the fact that should be axiomatic, but is not generally so regarded, that first cost is but one and that a small factor in the question of economy. Although the street referred to does not carry more than moderate or medium traffic, it is a most important street. Opposite the section above referred to laid with "Bituminous Pavement by Penetration Method" there is millions of dollars of public and private property, including Boston's pride, the new Museum of Fine Arts, the Grand Opera House and the Harvard Medical School buildings and grounds. The unsightly and uncleanly condition of



Bituminous Concrete Pavement—Huntington Ave., Boston, from Dartmouth St. (Copley Square, opposite Boston Public Library), to Exeter St. Pavement, laid May, 1905, photo taken December 4th, 1913.

the roadway is the one "blot" on the landscape and a form of pavement construction which would have avoided that "blot" would have been an economy even if the first cost had been five times as great and could not have been secured at lower cost.

As an example of "Bituminous Concrete" roadway surface measuring up to the standard of the A. S. M. I. definition above quoted, Dartmouth Street, Boston, opposite the Vendome Hotel, extending from Newbury Street to Beacon Street and crossing the world-famous Commonwealth Avenue, is cited. This pavement was constructed in 1903. Its present condition after ten years' use is shown by the following photo:

sawed section of the pavement removed in the laying of the sewer.

Boylston Street, Boston, from Dartmouth Street to Hereford Street, laid with Bituminous Concrete in 1904, sustained the heavy traffic of that business thoroughfare for eight years, when in 1912 it was removed, its removal being necessitated by the new railroad subway, and was relaid with the same material in 1913.

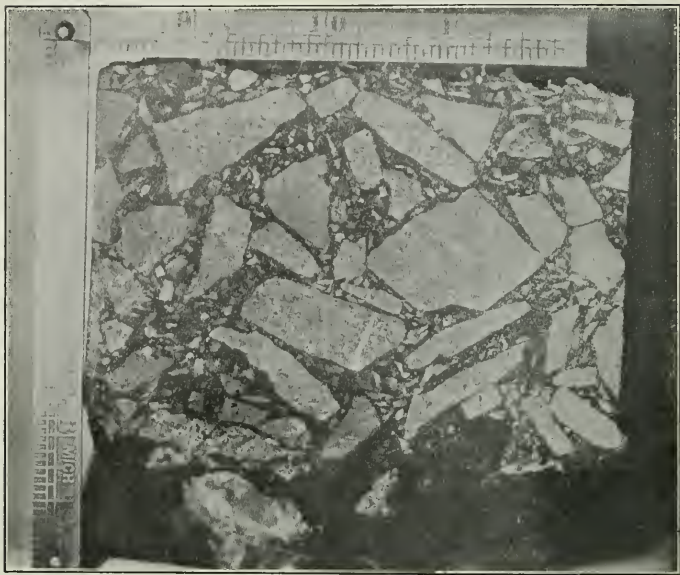
Another example of comparative results of "Bituminous Concrete—Mixed Method" and "Bituminous Macadam—Penetration Method" on the same street is afforded by Massachusetts Avenue, Cambridge, Mass., on which, like Huntington Avenue, Boston, the "Bituminous Concrete" is nearer the



Bituminous Concrete Pavement, Dartmouth St., Boston. Laid 1903 from Newbury St. to Beacon St. Center of street relaid over sewer trench, 1911. Note good condition of original pavement on quarters, also perfection of repair.

After the Dartmouth Street pavement had been in use for eight years, a strip through the center (1-3 the width of street) was removed in connection with the building of a sewer, which removal developed that the wear in eight years had been unappreciable, a fact which with its stability and density of construction is shown by the photograph (on page 42) of vertical

center of the City, and therefore subjected to the greater traffic. The portion of Massachusetts Avenue from near the B. & M. R. R. Bridge, North Cambridge, to the entrance to the subway opposite Harvard College, was laid with Bituminous Concrete in several sections from 1909 to 1912, and is illustrated by the following photograph of the oldest portion.



Vertical sawed cross section of Bituminous Concrete Pavement on Dartmouth St., Boston, Mass. Pavement laid 1903, samples taken from sewer cut, 1911, after eight years' use.



Bituminous Concrete Pavement, Massachusetts Ave., Cambridge, rear B. & M. R. P. Crossing, laid in 1909. Photo taken Dec. 3rd, 1913.

The east side of Massachusetts Avenue, Cambridge, from Blake Street about 500 feet north of B. & M. R. R. Bridge to Alewife Brook at the city line, a distance of about one mile, was laid with "Bituminous Macadam—Penetration Method," in 1908. This has been entirely resurfaced three times during the intervening five years and is now in bad condition.

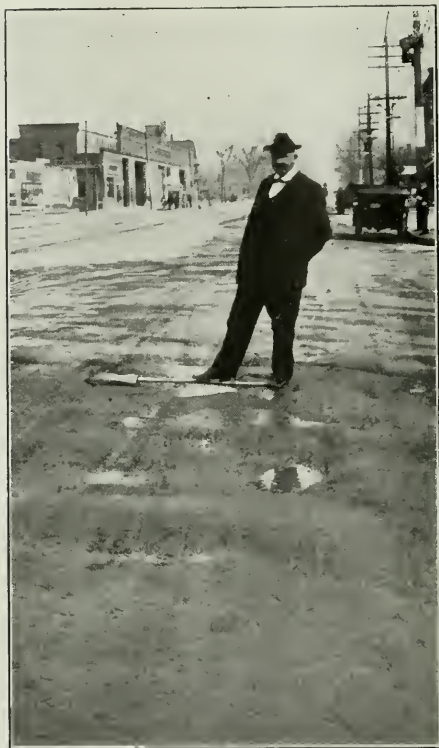
calls attention to the west side of Massachusetts Avenue, Cambridge, from the B. & M. R. R. Bridge in North Cambridge to the City line at Alewife Brook, which was laid with Portland Cement Concrete pavement in September, 1907, has required heavy repairs every year since and, in 1912, after repairing the holes in the concrete, was coated with liquid bituminous material



Penetration Method, Massachusetts Ave., Cambridge, Mass. Laid 1908. Resurfaced three times before photo taken on April 24th, 1913.

In substantiation of the as-ertion of the writer at the outset of this paper that the spreading of oil or bituminous material on a concrete road is but a makeshift construction, he incidentally

and sand, of which it received a second application in 1913, and its present very uneconomical and unsatisfactory condition is shown by the following photograph:



West side Massachusetts Ave., Cambridge, laid with Portland Cement Concrete in 1907; surfaced with hitumen painting and sand in 1912. Photo taken 1913.

As confirmation of the truth of the corresponding statement made at the outset of this paper, that so-called and mis-called "Asphaltic Concrete Mixed Method" (Open Mixture) is not worthy of discussion under the title of this paper, the following illustration is given of a section of Commonwealth Avenue, Boston, near the Brookline line and about five miles from the State House, in which photograph is shown contiguous sections of "Open Mixture" and "Bituminous Concrete," both laid in September, 1912.

True "economy" in road or pavement construction can not be measured

by dollars and cents of cost, however frequently the effort may be made to so measure. Consequently, in discussing the subject, the writer is not making any effort to discuss "economy" from that point of view. The real measures of "economy" are utility, wear and tear on vehicles; sightliness; cleanliness; sanitation; general durability for the purpose intended; durability; and last (and in the writer's judgment, least of all) first cost. These are matters which must or should receive careful consideration in each particular case.

Doubtless there are some places

where the traffic is so exceedingly light that the penetration method will produce a surface which will answer all practical purposes, in such cases the lesser cost of this type would naturally make it the more economical in the broad sense in which the writer has endeavored to view the subject. However, it is the writer's firm belief that such cases are exceedingly rare and that in judging any one particular case it is exceedingly dangerous policy to assume that this type of construction will give any better satisfaction to the general public than the cases cited in this paper, and when forming such judgment it must be remembered that the traffic on all streets and roads is increasing by leaps and bounds and at far greater rate than it increased in former years; therefore, the tendency is always to underestimate the amount

of traffic a street or road will be called upon to resist.

In conclusion, we must not be unmindful of the fact that in the construction of any type of roadway surface, full consideration must be given to careful, scientific, accurate details of construction and to the further fact that "the best is none too good" applies with special force to road construction.

From the examples selected for illustration which have come to the writer's immediate notice, he has attempted to select examples which have had the benefit of most careful construction and supervision, subjected to similar traffic conditions, and he believes that the examples illustrated are typical of the several types of roadway surface referred to and subjected to moderate normal traffic conditions.



Commonwealth Avenue, Boston, Mass. Photo taken with camera just east of intersection of Winslow Road, looking west to show bad condition of Open Mixture pavement in foreground (mixture consisting of uniform sized stone, fine material omitted) and the perfect condition of the asphaltic concrete pavement in background. Both pavements laid August and September, 1912. Photo taken May 23, 1913.

∴ What Our Pacific Coast Cities Are Doing ∴

Alameda received bids December 16 for furnishing street department with one five-ton tandem roller. Bids were received on the same date for motor-driven roadster. City clerk has been directed to advertise for a tractor for hook and ladder wagon. Alameda is also in favor of establishing an incinerator plant.

Albany (Cal.) has adopted an ordinance calling for the construction of a complete sewer system. Civic bodies of said city are in favor of bond issue for the following municipal improvements: \$59,500 for civic center buildings; \$13,000 for the fire department; playground, land and apparatus, \$12,500.

Anaheim will hold an election January 27 to vote \$35,000 for municipal improvements. The following are listed among said improvements: \$20,000 for the purpose of a park; \$5,000 for the purchase of a motor fire truck, and \$10,000 for a fire hall.

Berkeley's board of education has passed resolutions for the calling of an election to vote \$1,000,000 bonds for school purposes. Bids were received December 9 for the construction of a reinforced concrete storm sewer, vitrified pipe sanitary sewers and appurtenances in the vicinity of Jaynes street.

Burlingame received bids December 29 for the erection on Burlingame Square of iron posts and lamps. Bids were received on the same date for grading, paving and curbing San Mateo Drive.

Chico received bids December 23 for the construction of a frame building on the Chico High School grounds.

Colton trustees have decided to improve a portion of Ninth street by the construction of culverts, gutters and curbs.

Compton will hold an election in the near future to vote \$10,000 for the purpose of the acquisition of land and the construction of a city hall.

Coronado is to have another boulevard, to be called Gloretta Boulevard.

Fresno has voted \$450,000 for the improvement of school facilities.

Fullerton has voted \$28,000 for the paving of street intersections.

Gridley is to have a new grammar school, \$25,000 bonds having been voted for its construction.

Kingsburg has voted bonds for the construction of a sewer system.

Los Angeles city engineer has been directed to prepare plans for an adequate storm sewer system for draining the territory in the southeast section of the city.

Manhattan Beach will construct a municipal water system to cost \$111,000.

Napa has voted \$25,000 bonds for the building of bridges, \$12,000 for the purchase of a fire engine and \$10,000 for the construction of sewers.

Oakland received bids December 11 for the purchase of three Ford runabout automobiles for the police department.

Olympia (Wash.) State Highway board received bids December 29 for clearing, grading, draining and bridging 4.0 miles of the Pacific Highway known as the Water-front Road in Whatcom and Skagit counties.

Palo Alto is in favor of street paving.

Pasadena received bids December 16 for furnishing water department with one motor truck. Also bids were received on same day for 4000 feet of standard steel pipe and 4000 feet of standard galvanized pipe and appurtenances.

Red Bluff has voted \$8,000 for additions to the sewer system.

Reedley Chamber of Commerce is making efforts to secure building of a permanent highway throughout the county.

Richmond has passed resolution of intention to order lateral sewers constructed in Main avenue, Downer avenue, Castro avenue, Wendal avenue, Twenty-third avenue, Nadeau street, Dumont street and Sobrante street. Bids were received by said city on December 29 for the construction of a highway tunnel on portion of Richmond avenue.

Sacramento is to spend \$10,000 on an investigation of mountain source of water supply. Bids were received on December 11 for preparing, lithographing and engraving the city bonds.

Sanger is to have a waterworks system to cost about \$32,000. Bonds have already been voted. Also \$30,000 for sewers.

San Bernardino received bids December 15 for furnishing said city with an automobile. On December 22 bids were received for the improvement of the roadway of D street.

San Fernando received bids December 15 for macadamizing roadway of Porter avenue; also the construction of cement curbs and gutters.

San Gabriel trustees have passed an ordinance for the improvement of a portion of Main street by the construction of curbs and sidewalks. Ordinance was also passed ordering work done on Del Mar avenue to Grand avenue. Property owners on Lafayette street have petitioned for sidewalks.

Continued on Page 50.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

Billboards, regulating their construction. Alameda, 264 C.

Closing and abandoning street, ordering. Oakland, 264 d.

Cesspools, vaults and privies, declaring them to be nuisances, and requiring sewer connections for dwellings. Los Gatos, 289 A.

City Attorney, fixing salary of. Coalinga, 289 B.

Sewerage Improvement District, requiring supplemental assessment for. Idaho Falls, 289 C.

Amusement places and auctioneers, fixing license tax for. Coalinga, 289 d.

Mufflers on motor vehicles, requiring use of. Huntington Beach, 289 E.

Wooden poles for trolley wires or feed wires, prohibiting upon certain streets. Redlands, 289 f.

Intoxicating liquors, amending ordinance regulating. Watsonville, 290 A.

Water bills, regulating the collection of. Burlingame, 290 b.

Water rates, amending ordinance establishing. Chino, 290 c.

Electrical equipment in buildings or structures, amending ordinance regulating. Oakland, 290 d.

Business licenses, imposing license fee for conducting Abstract of Title business; also produce business. Auburn, 290 E.

Street grades, changing and re-establishing. Oakland, 290 f and 290 g.

Franchise for electric street railways, granting. Idaho Falls, 291 A.

Cleansing cesspools, etc., requiring. Pinole, 291 C.

Playgrounds, appropriating money for purchase of club house for. Berkeley, 291 d.

Sewer laterals and connections, regulating the installation of. Burlingame, 291 E.

Public library, providing for the establishment and maintenance of. Corning, 292 a.

Motor vehicles, regulating the use and operation of. Fort Jones, 292 B.

Real property, accepting. San Bernardino, 292 C.

Milk and milk products, regulating the storage, delivery and protection of. San Mateo, 292 d.

Signs, regulating their erection and inspection. San Diego, 293 a.

Hitching or tying horses, prohibiting on certain streets. Ferndale, 293 b.

Hitching racks, prohibiting on certain street. Fort Jones, 293 d.

Lease of property, authorizing. Berkeley, 293 f, 296 c.

Bicycles on streets, regulating the use of. San Bernardino, 293 g.

Wineries, regulating the licensing of wholesale and retail. San Bernardino County, 294 e.

Bath houses and tanks, regulating the emptying and cleansing of. San Diego, 295 a.

Advertising of a misleading and untrue character, prohibiting. San Diego, 295 b.

Hogs, regulating the keeping and handling of. Burlingame, 295 C.

Auctioneer and auction sales, regulating. Oakland, 295 d.

Second-hand dealers, regulating, also the buying, selling or exchanging of articles received in pledge. Berkeley, 295 E. and 296 f.

Tango, turkey-trot, and ragging, prohibiting. El Paso de Robles, 295 f.

Wharf map, approving. Stockton, 295 g.

Caterpillar engines, plows, or heavy machinery, prohibiting on streets. Redondo Beach, 296 b.

Concealed weapons, prohibiting persons to carry. San Leandro, 296 d.

Electric light and power rates, fixing. San Bernardino, 296 E.

Municipal water system, regulating. Burlingame, 297 a.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES.

Additional Compensation (Ore.).—Where an account of the deputy district attorney for compensation additional to his salary was one that the county court might legally contract, it could ratify it when the services rendered were at the request of a member of the court. *McKenna v. McHaley*, 136 P. 340.

Contractor's Extras (Wash.).—The terms of a contract with the city for the construction of a water pipe line could not be changed either by the city or the contractor, except as provided by the contract itself, without reletting the contract in the manner provided by law. *McHugh v. City of Tacoma*, 135 P. 1011.

Where a contract for the construction of a water pipe line provided that the city might make changes in lines and grades, a slight change of grade upon the line designated in the plans was a reasonable change, and not "extra work," under the contract.—*Id.*

Dedication (Ore.).—Property dedicated to the public cannot be sold by the board of trustees and recorder of the town to which it has been dedicated. *Haberly v. Treadgold*, 136 P. 334.

(Wash.).—An official survey map or plat of a dedicated street cannot be contradicted, impeached, or invalidated by parol or other extrinsic evidence unless there is a doubt as to its true location, etc. *Olson Land Co. v. City of Seattle*, 136 P. 118.

Intoxicating Liquors (Cal.).—Under *Wyllie Act*, held that local option election could be held in supervisorial district of a county in which prohibitory ordinance was already in force, especially in view of section 11, and that in such district sales of liquor were properly prosecuted under the act rather than under the ordinance. *Ex parte Lieritz*, 135 P. 1129.

Liability of City (Wash.).—A city in maintaining and operating waterworks acts in a proprietary and not in a governmental capacity, and its liability is therefore the same as that of a private owner under the same circumstances. *Bjork v. City of Tacoma*, 135 P. 1005.

Municipal Corporations (Wash.).—As both the constitutional amendment of 1912, which was incorporated in the Constitution as article 1, §§ 33, 34, and Laws 1913, c. 146, enacted in pursuance of the amendment, are expressly made applicable to cities of the first class and constitute the general law on the subject of the recall of officers, they supersede the charter provisions of such cities relating to the recall, and a petition for recall election must comply with their requirements to be acted upon. *State v. Fairley*, 136 P. 374.

(Wash.).—Rem. & Bal. Code, § 7998, requiring claims for damages against a city or town of the second, third, or fourth class to be filed within 30 days, held mandatory, and failure to file same could not be excused because of physical incapacity of the claimant. *Ransom v. City of South Bend*, 136 P. 365.

Official Interested in Contract (Wash.).—The purchase by a paving contractor, after the contract was entered into, of cement from corporations in which the mayor and a councilman were interested held not to make the mayor and councilman interested in the contract for the paving so as to render it void under Rem. & Bal. Code, § 7750. *O'Neill v. Town of Auburn*, 135 P. 1000.

Recall (Wash.).—Laws 1913, c. 146, adopted to carry into effect a recall amendment of the Constitution adopted in 1912, sufficiently provided for carry out the provisions of the amendment and was not defective in that the truth of the charges against the officer was triable before the people instead of the courts. *Cudihee v. Phelps*, 136 P. 367.

Taxation (Cal.).—Where the auditor failed to attach to the assessment book for his affidavit that it was received from the clerk of the supervisors and had been corrected, and that he had complied with the law, as required by Pol. Code, § 3732, a sale for taxes of that year passed no title to the purchaser. *Moyer v. Wilson*, 135 P. 1125.

Where a tax sale and deed based thereon were void because the auditor failed to attach his affidavit to the assessment book, as required by Pol. Code, § 3732, a subsequent affidavit could not validate them.—*Id.*

Water rights (Ore.).—A mill owner's implied assent to a city's diversion of water at a point above his "waterway" does not give the city a right to deprive the owner of his property in the stream or make his assent an irrevocable parol license to continue the diversion, if done without authority. *Booth-Kelly Lumber Co. v. City of Eugene*, 136 P. 29.

RECENT DECISIONS OF THE PUBLIC UTILITY COMMISSION (RAILROAD COMMISSION) OF CALIFORNIA OF INTEREST TO MUNICIPALITIES

NOTE—Copy of any decision may be secured by sending 5 cents to Charles D. Detrick, Secretary, 833 Market Street, San Francisco.

Water rates. Held, That defendant adopt method of informing consumers of amount of water used each month and amount due therefor.

Held, That defendant may add 15 cents to all bills not paid by fifteenth of month.

Held, Discrimination in rates to consumers having lawns must be removed.

O. E. Slinack v. Inglewood Water Co. No. 1018.

Sale of water company. Applicant authorized to sell to the town of Colusa for the sum of \$4,000.00 a certain water system situated in said town. In re application of Percy J. Cooke. No. 1079.

Eagle Rock Water Company authorized to issue 7,596 shares of its capital stock of the par value of \$1.00 per share, said stock to be delivered to Mary E. Backus in exchange for a certain water plant in the city of Eagle Rock. In re application of Earle K. Backus. No. 813.

New railroad depot. Applicant authorized to tear down and abandon its present passenger depot in the city of Los Angeles and to erect a new depot in lieu thereof and to take up and relocate such trackage as is necessary in connection therewith. In re application of Southern Pacific Co. No. 793.

Street railroad transfers. Complainants petition Commission to require respondents to exchange transfers at points of intersection of their respective lines.

Held, Commission having no jurisdiction to grant relief prayed for, complaint dismissed. A. Richard Thompson, et al. vs. The San Diego Railway Co., etc. No. 452.

Extension of water mains. Held, Jurisdiction of Commission to compel extensions of water utilities defined.

Held, Defendant directed to install a water main in Keith avenue, Berkeley, in order to serve complainants. E. T. Dooley, et al. v. Peoples Water Company. No. 442.

Water rates. Held, Application for increase in rates for water charged to Belvedere Land Company from 20 cents per 1,000 gallons to 24 cents per 1,000 gallons, dismissed. In re application of North Coast Water Co. No. 624.

Commutation rates. Held, Defendant ordered to reduce its monthly commutation rate between San Lorenzo and Oakland from \$4.50 to \$4.00 per month. E. T. Crane v. San Francisco-Oakland Terminal Railways. No. 471.

What Our Pacific Coast Cities Are Doing—Continued

San Luis Obispo is contemplating a lot of street work.

Santa Barbara is in favor of appropriating \$7,000 for the building of a new bridge.

Santa Clara has passed ordinance calling for the paying of a portion of the highway in the limits of the town not included in the proposed bond issue of \$50,000 for street improvements. Bids were received December 22 for electrical fixtures for the new town hall.

Santa Cruz received bids December 22 for the construction of sewers on a number of streets in said city.

Stockton has passed resolution of intention for the construction of a vitrified pipe sewer in Van Buren and Harrison streets.

Vallejo is talking of installing new pumping station at Luchetti Place.

Whittier will probably pave West Philadelphia street in the near future.

Winters will construct cement sidewalks, curbs and gutters upon certain streets in said city.

CALIFORNIA COUNTIES.

Glenn County High School district votes to reorganize to permit on the vote of bonds for \$50,000 for the erection of a new building at Willows.

Lassen county will probably call an election in January to vote \$100,000 for a county hospital and \$230,000 for good roads.

Monterey county supervisors will receive bids January 6 for the construction of earth embankment approaches of Tembeldera Slough bridge in Pajaro Road district.

Orange county supervisors received bids December 23 for the improvement of section 1, Riverside road.

Placer county supervisors will receive bids January 6 for installing heating system in Placer County High school in Auburn.

Santa Clara civic bodies are in favor of \$350,000 election for the improvement of county roads.

Solano county promotion men are in favor of special road tax of 30c for five years for the improvement of county roads.

Riverside county has voted \$1,250,000 for good roads.

Yuba county supervisors have appointed committee to secure rights of way for the construction of a bridge over the Yuba river at D street in Marysville to form a link in the State Highway.

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QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Q. Kindly furnish us with the name of some authority on sanitation, and particularly some one who is competent to advise as to septic tanks.

The reason for this request is that there has been some complaint as to the operation of the one here, and for this reason we want expert advice before we expend any money for repairs or replacements.

ANS. Would advise you to refer the matter relative to your septic tank to Prof. Charles Gilman Hyde of the University of California. Professor Hyde is the sanitary engineer of the State Board of Health, and has recently given a great deal of attention to this question of septic tanks. He will undoubtedly take the matter up immediately.

Q. Will you be so good as to help me out with a little information? Let me explain first: Santa Cruz is a resort town. Also it is a town that seeks homebuilders. As a resort town the billboard men seek to build their boards here where the summer crowds will see them. They are overrunning the town with them. The parent-teachers' association is protesting against an application to put a billboard opposite the new Bay View school house. The billboard men claim they have a right to build by virtue of a decision in an East San Jose case. We maintain that the city in its own interest should make the most rigorous rules against billboards and force the billboard men to fight in the courts if they want. Will you give me a general idea as to how the home centers of the state deal with this question? Is there no relief? Don't you think the position sound that we should fight these bill-

boards and make the billboard men fight for the privilege of disfiguring our residence streets, instead of giving them everything they ask on the assumption that we have no legal right to resist?

ANS. I have been looking into the subject to see if anything recent has been evolved on the subject of billboards. I find the situation is about the same as it has been for several years past and that not much is being accomplished to clear the atmosphere of unsightly structures.

The difficulty is that our State Supreme Court has held that a billboard is not a nuisance in itself—that however objectionable it may be to the sense of sight, it may not be disturbed. This coupled with the constitutional right of a property owner to use his property in any manner he chooses that does not amount to a nuisance, handicaps a city in exercising its police powers in the matter of regulating billboards.

The powers of the city, however, may be exercised, (1) by limiting the size of billboards, on the theory that large billboards may be dangerous, (2) by regulating their construction,—that is, requiring them to be safe, and within fire limits, to be made of incombustible material, (3) by requiring the advertising to be inoffensive to good morals.

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Enables any one to send the right word to the right place at the right moment.

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a city may impose charges for the maintenance of billboards. Many cities gain a revenue from this source and to some extent the erection of billboards may be restricted.

I regret to say that very little substantial progress has been made by cities in restricting billboards, and under the law I do not see how much good can be achieved until public opinion has been so focused on them that advertising in this manner will be resented by those who would purchase the things advertised, to the extent that they will not purchase such things and thus make this class of advertising unprofitable.

Q. A city of the sixth class, of which I am the consulting engineer, and which is a member of your organization, is about to install a water system. When completed the system will require the services of a competent superintendent, for which position the salary will range from \$100 to \$150 per month.

The president of the board of trustees, I am told and believe, a thoroughly competent man and would undoubtedly make, a most excellent superintendent and, I think, would accept the position, not particularly because of the salary but because he is so

thoroughly wrapped up in the progress of the city.

The question I, and many others who would like to see him appointed, would like to have answered is: Can he legally become superintendent and continue in that position without forfeiting his membership on the board of trustees? I don't believe he would care to do that for the reason that there is much to do in the upbuilding of the city within the next several years which will require a man of his quality as a leader and proposer.

ANS. There is nothing in the constitution or statutes of this State, so far as we know, which would prohibit the president of a board of trustees of a city of the sixth class also holding the office of superintendent of waterworks under a salary. We confess, however, that the matter has never been judicially settled.

At the 1911 Convention of the League which was held at Santa Barbara, the question was propounded to the Department of City Attorneys as to whether a member of the board of trustees could also serve as street superintendent. The city attorneys reached no conclusion.

Robert W. Hunt

John J. Cone

Jas. C. Hallsted

D. W. McNaugher

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Glasgow

In view of the fact that there is no provision of law apparently which would prohibit the president of the board of trustees holding the position referred to, we are of the opinion that the courts would sustain the right to do so. In any case it would be a difficult matter for those contesting the right to produce any authorities.

Q. A petition has been circulated and turned over to the board requesting that the said board call an election for the purpose of voting on bonds for the purpose of building and equipping a municipal hospital. The idea of the people advocating this petition is that the hospital be run on the lines of private hospitals; that is, to charge in the same way. The board would like to know if to your knowledge there is any such institution in any city of the sixth class, and if there is, the name of such place or places, and also if you know of any laws or state regulations bearing on them. Any information that you can give in regard to the above matter will be very much appreciated.

ANS. In reply to your letter of Dec. 13, will say that so far as we know there is no other city of the sixth class in the State maintaining a municipal

hospital; in fact, there are quite a number of large cities which do not maintain a municipal hospital. The sick and infirm are generally cared for by the county.

Q. Does a street railway which has a franchise giving it the right to construct and operate double tracks along a certain street have to pave that portion of the street that their second track would occupy if it was built? We have a case here where the franchise is for a double track, but only one track is being used, and it may be years, if ever, before the second track is put down. The question arises, who paves the space given by the franchise but not used by the railway company?

ANS. We are not sure of the obligations of a street railway company regarding paving where they have a franchise for two tracks and only build one. Without investigating the matter deeply would say to you that here in San Francisco they have a number of such situations, but the street railroad company has been obliged to pave only that portion of the street occupied by its track and two feet on either side. Franchises

have been granted for double tracks on Turk, Eddy, O'Farrell, Ellis, Page and Oak streets, but only one track has been laid and the street railroad company has been required by the officials to pave only that portion of the street occupied.

Q. 1. May a trustee be appointed to hold the following positions: Town clerk, water collector, or assessor?

2. May a trustee so appointed draw a salary for performed services?

ANS. The right of a trustee to be appointed to and hold the office of town clerk, water collector and assessor is in doubt. So far as we know the question has never been judicially determined in this State. At the 1911 convention of the League of California Municipalities a similar question was submitted to the Department of City Attorneys, but they were divided in their opinion; the exact question submitted was whether or not a trustee could hold the office of street superintendent.

Apparently there is nothing in the Constitution or General Laws prohibiting the appointment you mention.

In 1911 the legislature passed an act permitting the establishment of the commission form of Government in cities of the fifth and sixth class, under which the trustees could assign the various departments of government to each other, and that statute might be cited as an indication that the consolidation of the office of trustee with that of city clerk is not objectionable. We understand that this question has been submitted to your City Attorney, and also to the District Attorney of Marin County. If you would care to send us copies of their opinion, we would be pleased to look into the matter further.

As to the right of a trustee so appointed to draw a salary for performing services, would say that it would be contended that he was drawing salary, not as trustee but as clerk.



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Write for Catalogs. Mention Pacific Municipalities When Writing

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United States Rubber Company, 50-60 Fremont St., S. F.

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A. L. Young Machinery Co., 26-28 Fremont St., S. F.
Barber Asphalt Paving Co., S. F. & L. A.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Fire Hydrants

M. Greenberg's Sons, 225-227 Beale St., S. F.
J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.
Steiger Terra Cotta & Pottery W'ks, 729 Mills Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

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Pacific Flush Tank Company, Chicago, New York.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Garbage Incinerators

Nye Garbage Incinerator.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.

Imhoff Tanks

Pacific Flush Tank Company, Chicago, New York.

Concrete Mixers

A. F. George Co., Los Angeles.
Barber Asphalt Paving Co., S. F. & L. A.
Parrott & Co., San Francisco & L. A.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Inspections and Tests

Robt. W. Hunt & Co., 418 Montgy. St., S. F.
Smith, Emery & Co., 651 Howard St., S. F.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.
American Engineering Corporation, 57 Post St., S. F.
Burns & McDonnell, Riverside, Cal., K. C., Mo.
Roberts & Denicke, Sheldon Bldg., S. F.
S. J. Van Ornum, 960 Pacific Bldg., S. F.

Municipal Accountant

William Dolge, C. P. A., 311 California St., S. F.

Municipal Engineers

American Engineering Corporation, Mechanics Institute Bldg., S. F.
Burns-McDonnell, Riverside, Cal., K. C., Mo.
Sloan & Robson, Nevada Bank Bldg., S. F.
Roberts & Denicke, 461 Market St., S. F.
Smith, Emery & Co., 651 Howard St., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.
Standard Corrugated Pipe Co., S. F. & L. A.
U. S. Pipe Co., S. F.

Municipal Printers

A. Carlisle & Co., 251-253 Bush St., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Municipal Water Works

Burns-McDonnell, Riverside, Cal., K. C., Mo.
Smith, Emery & Co., 651 Howard St., S. F.

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Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Pavement Materials

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Warren Brothers Co., Los Angeles, Cal.

Pipe

U. S. Iron Pipe & Foundry Co., 701 Monadnock Bldg., S. F.
J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Electrical Plants & Machinery

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Playground Apparatus

A. L. Young Machinery Co., S. F.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.
Sierra Art Eng. Co., Front & Com.Sts., S. F.

Pumps

Byron Jackson Iron Works, San Francisco and Los Angeles.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.
Eureka Fire Hose Mfg. Co., 54-58 Fremont St., S. F.
Bowers Rubber Works, San Francisco.

Road Machinery

Good Roads Mach'y Co., San Francisco.
A. L. Young M'chy Co., Fremont St., S. F.
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J. E. Ward, 353 Pacific Elec. Bldg., L. A.

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Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

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J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.
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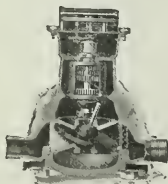
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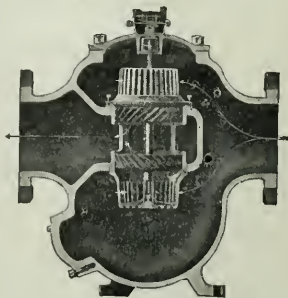
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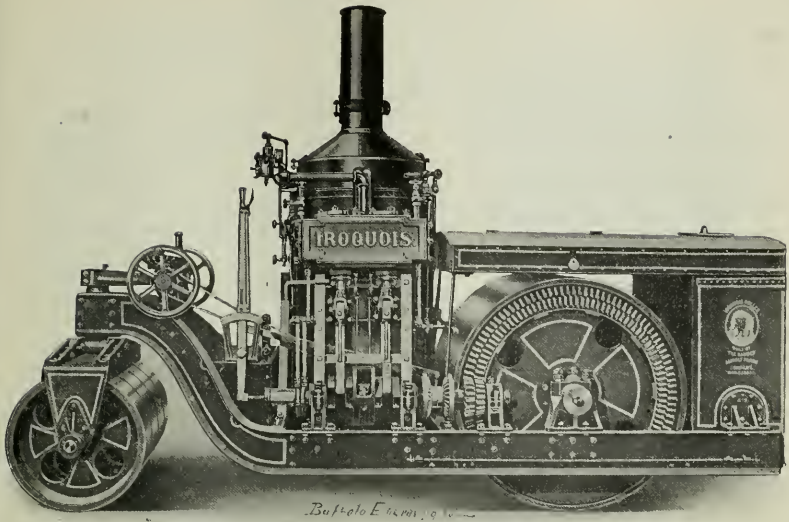
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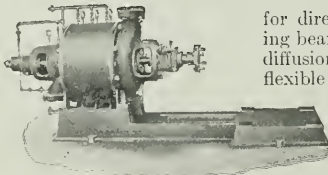
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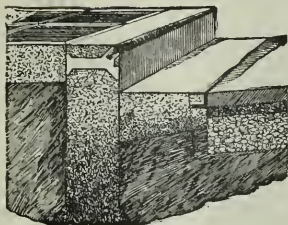
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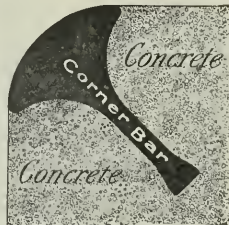
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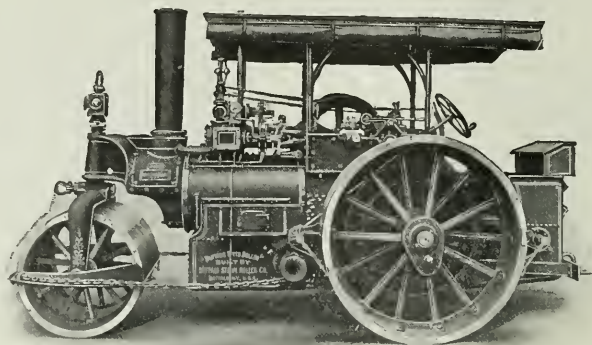
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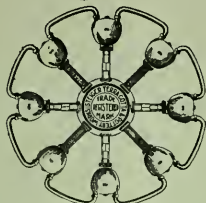
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Every Foot of This Pipe Will Stand Most Remarkable Hydrostatic and Crushing Tests

MORE IMPORTANT STILL, IT WILL SHOW AN ABSORPTION ON 10
DAY IMMERSION TEST OF ONLY $1\frac{1}{2}\%$ TO 3%



Laying 16" California Glazed Cement Sewer Pipe at San Diego, Cal., December, 1913
Total Contract 20 miles, 6" to 24"

This remarkable density effectually answers the claims made by rival interests that concrete is not a suitable material for Sanitary Sewers.

Public tests have shown that our 8-inch pipe, broken under a water pressure of 150 lbs. per square inch, was penetrated by this pressure to a depth of less than one-sixteenth of an inch, after many hours of constant pressure, varying from 40 lbs. to 150 lbs.

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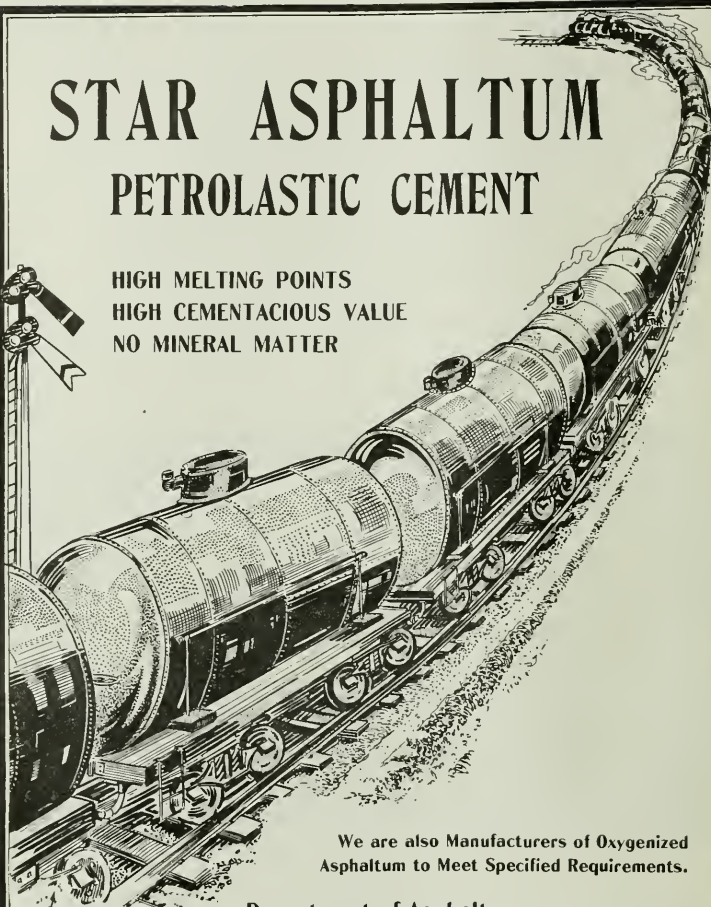
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(California)

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Total yardage in 13 years in 296 cities throughout the United States and Canada, 29,672,003 sq. yards, equivalent to 1,686 miles of roadway 30 feet wide between curbs.

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Organized 1897

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(OREGON, WASHINGTON, IDAHO) Organized 1912

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Organized 1910

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OFFICIAL ORGAN OF THE LEAGUE OF CALIFORNIA MUNICIPALITIES
THE LEAGUE OF PACIFIC NORTHWEST MUNICIPALITIES AND THE
BOARD OF SUPERVISORS ASSOCIATION OF THE
STATE OF CALIFORNIA

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ASSOCIATE EDITOR - - - CHAS. G. HAINES, PH. D.

S. J. VAN ORNUM CONSULTING MUNICIPAL ENGINEER NINTH FLOOR, PACIFIC BUILDING SAN FRANCISCO, CALIFORNIA	{	CONTRIB- UTING EDITORS	{	CHARLES GILMAN HYDE PROFESSOR OF SANITARY ENGINEERING UNIVERSITY OF CALIFORNIA, BERKELEY, CAL.

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San Francisco, California

FEBRUARY, 1914

NOTICE—Each city belonging to the League of California Municipalities is entitled to a copy of this magazine for each of its officials without extra charge, and every Board of Supervisors of the Counties of California is entitled to one copy. If not received kindly notify the Secretary.

INFORMATION FOR CITIES OF THE SIXTH CLASS REGARD- ING THE APPROACHING MUNICIPAL ELECTION

By WM. J. LOCKE

Numerous requests have been addressed to this office for information concerning the forthcoming municipal election in sixth class cities, and this article is written for the purpose of assisting those cities in this matter, in order that so far as possible they will be enabled to conduct the election in substantial conformity with the constitution and laws of the State. These interpretations have been reviewed and unofficially approved by the Attorney General's office.

Notice of Election.

The only provision found in our laws regarding the Notice of Election is embodied in Sec. 856 of the Municipal Corporation Bill. It provides that "the Board of Trustees shall give such notice of each election as may be prescribed by ordinance." It is likely that a great many cities have no such ordinance. In that case it is advisable to publish a "Notice of Election" without delay. Such notice should contain a declaration that a General Municipal Election will be held in the city or town (naming it) on Monday, April 13, 1914, for the following officials (naming them); it should also contain a statement that the polls will be open from six o'clock A. M., until seven o'clock P. M., of said day. About two weeks before election, to-wit: about April 1, it would be advisable to add to the "Notice of Election" as published, the number and boundaries of the precincts and the names of the election officers.

Registration.

No person shall be eligible to vote at the next general municipal election, or to sign nomination papers, except those who have registered on or since Jan. 1, 1914. (See Sections 1094, 1120, 1121 and 1083a of the Political Code as amended).

The County Clerk shall furnish municipalities within his county with copies of the printed Index of Registration in such number as the trustees may require, not exceeding fifty. He shall also furnish copies to each candidate on demand, at a cost of 10c per thousand. (Sec. 1115, Pol. Code as amended).

The register to be used in the election shall consist of the original affidavits of registration. (Sec. 1121, Pol. Code as amended).

Primary Law.

Although the new Primary Law expressly declares that it shall not apply to cities of the sixth class, (1913 Statutes, page 1382), yet the Municipal Corporation Bill declares that all elections in such cities shall be held in accordance with the General Election Laws of the State so far as may be applicable, and Section 1188 of the Political Code as recently amended, provides that the nomination of candidates in cases where a primary has not been held shall be conducted in accordance with the provisions of the Primary Law relating to non-partisan candidates, as regards nomination papers, appointment of verification deputies, certificates of nomination, time of filing, etc.

Nomination of Candidates.

In view of the interpretation aforementioned, nominations for office are to be made as follows:

A nomination paper containing the name of the candidate and other information required to be given in the nomination papers provided for in the Direct Primary Law shall be signed by at least one per cent of the voters, based on the entire vote cast at the last preceding general municipal election. (Sec. 1188, Pol. Code as amended).

Nomination Papers.

The form of nomination paper "provided for in the Direct Primary Law" will be found in the Statutes of 1913 on page 1387. Undoubtedly the legislature intended the use of the form given, save that those matters referring to Primary Elections should be eliminated. Therefore the form of nomination paper should be substantially as follows:

Nomination Paper.

County of.....city (or town) of.....(if any).
Nomination paper of....., candidate for.....nomination for
the office of.....

STATE OF CALIFORNIA. }
COUNTY OF..... } ss.

SIGNER'S STATEMENT.

I, undersigned, am a registered qualified elector of the city (or town) of..... county of....., State of California; and I hereby nominate.....who resides at No.....Street, city of

....., county of....., State of California, as a candidate for nomination for the office of.....to be voted for at the election to be held on the 13th day of April, 1914. I have not signed the nomination paper of any other candidate for the same office, and further declare that I intend to support for such election the candidate named therein.

No.	Precinct	Signature	Residence	Date
1
2
3
4
5
Etc.

VERIFICATION DEPUTY'S AFFIDAVIT.

I,.....solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision 2, section 5, of the direct primary law, as a verification deputy to secure signatures in the.....of.....to the nomination paper of.....as candidate for nomination for the office of.....; that all the signatures on this section of said nomination paper, numbered from 1 to.....inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed).....
Verification Deputy.

Subscribed and sworn to before me this.....day of.....19.....
(Seal)

.....
Notary Public (or other official).

Verification Deputies.

Each candidate must appoint one or more verification deputies as provided in Part (a), Subdivision 2, Section 5 of the Direct Primary Act. (See 1913 Statutes, page 1383). The document appointing a verification deputy or deputies shall be filed previously or with the nomination papers as hereinafter stated and shall be substantially in the following form:

I, the undersigned, a candidate for the office of....., to be held in said.....on the 13th day of April, 1914, do hereby appoint the following registered qualified electors of the city or town of....., as verification deputies to obtain signatures in said.....to a nomination paper placing me in nomination as a candidate for said office of.....

PACIFIC MUNICIPALITIES

VERIFICATION DEPUTIES.

Names

Residences

etc.

etc.

(Signature)

(Residence)

Filed in the office of the county clerk of _____ county this _____ day of _____ 19_____.

County Clerk.

By Depnty

The appointment of verification deputies is mandatory as "the verification of signatures to nomination papers shall not be made by any candidate, etc." (1913 Statutes, page 1389).

Time for Obtaining Signatures.

Verification deputies may obtain signatures to nomination papers "at any time not more than 70 days (Feb. 2) nor less than 40 days (March 3) prior to said election." (1913 Statutes, page 1386).

Examination of Nomination Papers By County Clerk.

After being signed and verified, nomination papers shall be properly assembled, and sent to the County Clerk for examination, not less than 40 days prior to the election. (1913 Statutes, page 1388). The document appointing verification deputies should accompany the nomination papers when sent to the County Clerk.

Affidavit of Candidate.

Each candidate must file an affidavit at least thirty-five days before the day of election declaring that he will accept the nomination and will qualify if elected. (See Sec. 5, subdivision 4, and Sec. 6, subdivision 5, Direct Primary Law).

AFFIDAVIT OF CANDIDATE

STATE OF CALIFORNIA, }
COUNTY OF _____ } SS.

.....being duly sworn, deposes and says: I reside at No.
 Street, in the City (or town) of
 said county and state; my postoffice address is....., county of
California; I am a qualified elector of saidand I
 desire to be a candidate for the office of; and if nominated and
 elected for said office, I will accept said nomination and not withdraw, and will
 qualify for said office if elected. I further declare that I have complied with
 the provisions contained in Subdivisions 5 and 6 of the Direct Primary Law.

Subscribed and sworn to before me this, day of 19.....

(SEAL)

Notary Public in and for the County of _____,
State of California.

Certificates of Nomination.

The County Clerk shall examine the signatures to the nomination papers within five days after receiving them (1913 Statutes, page 1389), and shall affix thereto a certificate of sufficiency together with the document appointing verification deputies, and thereupon transmit them for filing to the clerk of the municipality. (1913 Statutes, page 1391, subdivision 3, Sec. 6). This must be done not more than 50 days, nor less than 20 days before the day of election. (Sec. 1192, Pol. Code as amended).

Sample Ballots.

The clerk shall cause sample ballots to be printed to the number of fifteen per cent more than the registered vote. He shall mail one copy to each registered voter commencing at least ten days before the day of election and have them all mailed at least five whole days before election. With each sample ballot mailed he shall enclose the voting number of the party to whom it is addressed and also the location of the polling place, but no other matter. The sample ballots shall be printed on plain white paper without watermark and shall bear the words "Sample Ballot" in plain type on the face thereof. (Sec. 1210, Pol. Code, 1913 Statutes, page 1171).

Election Officers.

The officers of election to be appointed by the legislative body shall consist of two inspectors, two judges and two clerks for each precinct. (Sec. 1151, Pol. Code). The officers shall be apportioned between members of political parties representing fifteen per cent or more of the voters as registered. (Sec. 1142, Pol. Code as amended).

Precincts.

The Board of Trustees may establish the precincts necessary for conducting the election. (Sec. 1133, Pol. Code). Unless otherwise provided by municipal ordinance, it is advisable to append to or to incorporate in the "Notice of Election" a description of the precincts, together with the names of the election officers.

Ballots.

No candidate shall have his name printed on the ballot unless he shall have had filed in his behalf a verified nomination paper, properly certified by the County Clerk as to its sufficiency, as hereinbefore set out.

The names of the candidates shall be printed on the ballot in alphabetical order. (1913 Statutes, page 1159). The ballots shall be four inches in width for each column required, and shall not exceed twenty-four inches in length. The word "Municipal" in heavy-faced Gothic capital type in twelve point shall precede the list of candidates. The words "Municipal Ticket" in eighteen point Gothic capitals shall be printed on the back of the ballot. (See 1913 Statutes, pages 1161, 1162 and 1163).

The ballots should be bound in stub pads or books, each to consist of some multiple of ten; ten ballots should be printed for every eight electors. (Sec. 1198, Pol. Code, new).

Should the candidates be running for different terms or should any candidate be running to fill a vacancy the words "Full Term" and "Short Term" shall be printed after the names of the proper candidates. (1913 Statutes, page 1163). The ballot shall be substantially in the following form:

INSTRUCTIONS TO VOTERS

To vote for a candidate of your selection, stamp a cross (X) in the voting square to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. If the ballot does not contain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

MUNICIPAL

TRUSTEE (full term)

Vote for Two

JOHN DOE (full term)

MARY SMITH (full term)

TRUSTEE (short term)

Vote for One

HENRY JONES (short term)

CLERK

Vote for One

SALLIE LUM

TREASURER

Vote for One

U. R. WRIGHT

Hours of Voting.

The polls must be kept open from six o'clock in the morning until seven o'clock in the evening. Should any voter be in line at the door of the voting booth at seven o'clock in the evening he should be allowed to vote. (Sections 1160 and 1164, Pol. Code as amended).

Opening the Polls.

Election officers must be sworn before the polls are opened. (Sec. 1148, Pol. Code). One of the officers must make a proclamation in a loud voice that the polls are now open. The officers must exhibit the ballot box to the persons who happen to be present. (Sec. 1162-63, Pol. Code).

Voters Name Changed by Marriage.

When voting, females who have had their names changed since registering by reason of marriage or divorce shall sign both the former name and the present name and embrace the same with a bracket to indicate that it is one and the same person. (Sec. 1204, Pol. Code as amended).

Challenging Voters.

The grounds for challenging voters and the methods employed in challenging will be found in Secs. 1230-1235 of the Political Code. A list shall be kept of all voters who are assisted in making their ballots. (Sec. 1208, Pol. Code).

Tally of Votes.

Tallying must be done in ink and the clerk making the last tally mark must sign his initials at the end of the tally. The work of tallying must be done in such a manner as to be kept visible to watchers. (Sec. 1258, Pol. Code as amended).

Closing of Polls.

When closing the polls one of the officers must make a proclamation in a loud voice that the polls are now closed.

Unused Ballots.

Before proceeding to count the ballots, the Ballot Clerks, in the presence of all persons in the room must deface every unused and spoiled ballot, by drawing across the face thereof, in writing ink, with a pen, two cross lines, and said Ballot Clerks shall place all said ballots in an envelope and the election officers shall write their names across the sealed portion of said envelope. (Sec. 1207, Pol. Code).

Disposal of Returns.

The sealed packages containing the ballots and other matter must be placed in the hands of some one member of the Election Board to be chosen for this purpose by lot and immediately deposited with the City Clerk. (Sec. 1263, Pol. Code).

The Election Board must post a copy of the returns on the outside of the election booth. (Sec. 1261, Pol. Code).

Canvass of the Returns.

The returns are canvassed by the Board of Trustees. It is the practice generally for the trustees to meet on the succeeding Monday for this purpose.

Should the returns be incomplete, ambiguous, not properly authenticated or otherwise defective, the canvassing board (the trustees) may subpoena the election officers and require them to complete or correct the returns, but the ballots must not be opened. (1281a, Pol. Code). (New section).

Resolution Declaring Result.

After the returns have been canvassed the trustees should pass a resolution reciting the fact of the holding of the election, the names of the candidates, the total vote cast in each precinct, the vote received in each precinct for each candidate, and the names of the candidates elected. This resolution should be entered in full in the minutes.

Certificates of Election.

The City Clerk should issue a Certificate of Election to the successful candidates, administer the oath of office, and have each officer elected subscribe to the oath.

Candidates' Statement.

Within fifteen days after the election, each candidate, whether successful or not, must file a statement of his or her expenses. (1913 Statutes, page 396).

A MODEL TAX ORDINANCE FOR SMALL MUNICIPALITIES

One of the features of the program at the recent Venice meeting was the consideration and adoption of a "Model Tax Ordinance" by the City Attorneys' section. The ordinance taken as a basis was the one framed about a year ago for the City of Piedmont by City Attorney Jas. A. Ballentine, who used special care in its preparation, with the knowledge that its validity was likely to be attacked.

The trustees and assessor of Piedmont were imbued with the well known views of Mayor Craig regarding the taxation of idle lands held for speculative purposes, with the result that the assessed value of many unimproved tracts was given a very substantial raise. The speculators stormed and threatened, but hesitated to take the matter to court. The ordinance had been prepared in anticipation of trouble, and the fact that no legal action was brought against it is evidence that the ordinance was regarded as invulnerable.

With the exception of a few minor amendments, the city attorney's section of the league adopted this tax ordinance of Piedmont as a model for small municipalities. Any city or town needing an up-to-date ordinance on this subject may adopt the one presented here in full confidence. It represents the best thought on the subject by not less than twenty-five city attorneys. In order to use it for this year it will be necessary to adopt it at once.

It will be observed that the ordinance

provides for the payment of taxes in two installments. If it is preferred to have the whole payment made at one time, a slight change in the language is all that is necessary.

Ordinance No.

AN ORDINANCE PROVIDING A SYSTEM FOR THE ASSESSMENT, LEVY AND COLLECTION OF TAXES.

The Board of Trustees of the.....of.....do ordain as follows:

SECTION 1. The office of Assessor is hereby created in and for the.....of....., and the Clerk of the.....of.....is hereby made and constituted ex-officio the Assessor of the.....of.....

SEC. 2. The office of Tax Collector is hereby created in and for the.....of....., and the Marshal of the.....of.....is hereby made and constituted ex-officio the Tax Collector of the.....of.....

SEC. 3. Section 3627 of the Political Code of the State of California is hereby for all purposes adopted and made a part of this Ordinance.

SEC. 4. The Assessor is hereby authorized to employ a Deputy Assessor, whose compensation shall be fixed from time to time by the Board of Trustees.

SEC. 5. The Assessor and his Deputy shall have power to administer all oaths and affirmations necessary in the performance of the duties of office of the Assessor.

SEC. 6. All taxes shall be collected by the Tax Collector. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens upon the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as are prescribed in this Ordinance, or by action in any Court of competent jurisdiction to foreclose such liens; provided, that any property sold for such taxes shall be subject to redemption within five years and upon the terms provided or that may hereafter be provided for the re-

demption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this Ordinance shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state taxes.

Sec. 7. It shall be the duty of the Assessor of the.....of..... between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the.....of..... except such as is required to be assessed by the State Board of Equalization. The mode of making out of said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating County Assessors, except as otherwise provided by an act of the Legislature of the State of California, approved May 13, 1883, entitled, "An Act to Provide for the Organization, Incorporation and Government of Municipal Corporations," and Acts Amending thereof, and except as otherwise provided in and by this Ordinance. The said list shall describe the property assessed, and the value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. Said Assessor shall verify said list by his oath to be thereto attached and to be substantially in the following form, to-wit:

STATE OF CALIFORNIA, }
COUNTY OF } ss.
..... OF }

I, Assessor of the.....of....., do swear that between the first day of May, 19...., and the first day of August, 19...., I have made diligent inquiry and examination to ascertain all property within the.....of....., subject to assessment by me, and that the same has been assessed upon the attached assessment list equally and uniformly according to the best of my judgment, information and belief, at its full cash value; and that I have faithfully complied with all the duties imposed upon the Assessor by law and by ordinance; and that I have not imposed any unjust or double assessment through malice or ill-will or otherwise nor allowed anyone to escape a just and equal assessment through favor or reward or otherwise.

Subscribed and sworn to before me
this.....day of....., 19....

The Assessor shall then deposit the said verified list with the Clerk of the.....of..... on or before the first Monday of August of each year.

Sec. 8. The Assessor shall, during the said time, that is to say, between the first day of May and the first day of August in each year, also make out a list of all male persons residing within the limits of the.....of..... over the age of twenty-one years, and shall verify the said list by his oath to be thereto attached and to be substantially in the following form:

STATE OF CALIFORNIA, }
COUNTY OF } ss.
..... OF }

I, Assessor of the.....of....., do swear that between the first day of May, 19...., and the first day of August, 19...., I have made diligent inquiry and examination to ascertain the names of all male persons residing within the limits of the.....of..... over the age of twenty-one years, and that according to the best of my judgment, information and belief, all of the names of such persons so residing are stated in the list to which this oath is attached.

Subscribed and sworn to before me
this.....day of....., 19....

The Assessor shall then deposit the said verified list with the Clerk of the.....of.....

on or before the first Monday in August in each year.

Sec. 9. The Assessor shall assess all property in the.....of..... which is lawfully taxable therein at its full cash value. He shall assess lands in parcels or subdivisions not exceeding one hundred acres each, and he shall assess all property to the person by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock noon of the first Monday in March, next preceding; but no mistake in the name of the owner or supposed owner of real property shall render the assessment thereof invalid. In assessing solvent credits not secured by mortgage or deed of trust, a reduction therefrom shall be made of debts due to bona fide residents of this State.

Sec. 10. The Assessor shall have the power to exact from every person a statement under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at twelve o'clock noon on the first Monday in March. Such statement shall be in writing and shall show separately:

1.—All property belonging to, claimed by, or in the possession, or under the control or management of such person.

2.—All property belonging to, claimed by, or in the possession, or under the control or management of any firm of which such person is a member.

3.—All property belonging to, claimed by, or in the possession, or under the control or management of any corporation of which such person is the president, secretary, cashier or managing agent.

4.—An exact description of all lands in parcels or subdivisions, not exceeding one hundred (100) acres each, all improvements and all personal property, and all taxable state, county, city, or other municipal or public bonds and taxable bonds, of any person, firm, corporation, and all deposits of money or other valuables, and the names of the persons with whom such deposits are made, and the places in which they may be found, all mortgages, deeds of trust, contracts, and other obligations by which debts are secured and the property in the city affected thereby.

5.—All solvent credits, unsecured by deed of trust, mortgage, or other lien on real or personal property, due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is president, secretary, cashier, or managing agent, deducting from the sum of such credits such debts only, unsecured by trust deed, mortgage or other lien on real or personal property, as may be owing by such person, firm or corporation to bona fide residents of this State. No debt shall be so deducted unless the statement shows the amount, in aggregate, of such debt as stated under oath. Whenever one member of a firm, or one of the proper officers of a corporation, has made a statement showing the property of the firm or corporation, another member of the firm or corporation, or another officer need not include such property in the statement made by him; but his statement must show the name of the person or officer who made the statement in which such property is included.

The Assessor is hereby authorized to provide, his office, at the expense of the....., with necessary blank forms for the statements herein mentioned, and shall cause to be printed upon each such blank form an affidavit form, substantially as follows:—

STATE OF CALIFORNIA, }
COUNTY OF } ss.
..... OF }

I, do swear that I am a resident of the.....of....., that the within list contains a full and correct statement of all property subject to taxation which I, or any firm of which I am a member, or any corporation, association, or company of which I am president, secretary, cashier, or managing agent, owned, claimed, possessed or controlled at twelve o'clock noon on

the first Monday in March last, and which is not already assessed this year; and that I have not in any manner whatsoever transferred or disposed of any property, or placed any property out of the....., or my possession, for the purpose of avoiding any assessment upon the same, or of making this statement, and that the debts therein stated as owing by me are owing to bona fide residents of this State, or to firms or corporations doing business in this State.

Subscribed and sworn to before me
this.....day of....., 19.....

The Assessor shall have power to exact from every person of whom he shall require a statement as hereinbefore mentioned an oath substantially in the foregoing form. The affidavit to the statement on behalf of a firm or corporation shall be made by the president, the secretary or the treasurer thereof, shall state the principal place of business of the firm or corporation, and in other respects shall conform to the said foregoing form.

SEC. 11. The Assessor may fill out the statement at the time when he presents it, or he may deliver it to the person and require him, within a reasonable, specified time, to return it to him, properly filled out.

SEC. 12. The Assessor shall have power to require any person found within the..... of..... to make and subscribe an affidavit, giving his name and place of residence, and he shall further have power to subpoena and examine any person in relation to any statement furnished to him or which discloses property which is assessable in the..... of..... Any person who shall refuse to furnish the statement hereinbefore required, or to make and subscribe such an affidavit respecting his name and place of residence, or to appear and testify when requested to do so by the Assessor, as above provided, shall, for each and every refusal, and so often as the same is repeated, forfeit to the..... of..... the sum of one hundred (100) dollars, in gold coin of the United States, to be recovered in an action brought in its name by the Assessor in the Recorder's Court of the..... of..... or in the Justice's Court of the township. All moneys recovered by the Assessor in such actions shall be paid by him to the Treasurer of the..... of..... and by the Treasurer placed in the General Fund.

SEC. 13. If any person, after demand therefor by the Assessor, refuse or neglects to give the statement herein provided for, or to comply with the other provisions of this Ordinance, the Assessor shall note such refusal or neglect upon the Assessment Book or List, opposite the name of such person, and must make an estimate of the value of the taxable property of such person.

SEC. 14. The Assessor shall, when required by the Board of Trustees, transmit to said Board on or before the first Monday in August of each year, a verified report, separate from the Assessment Roll, containing a complete list of all persons who refuse or neglect to furnish a statement of their property, as in this Ordinance provided, or to comply with the provisions of this Ordinance the amount of the assessment upon the property of such persons, with a statement of the particular facts, if any, upon which the assessment has been made, and the valuation of the property so assessed.

SEC. 15. As soon as completed, and on or before the first Monday in August of each year, the Assessor shall deliver his assessment list and statements, to the Board of Trustees to be equalized; and the Board of Trustees shall forthwith give notice thereof, and of the time when the said Board will meet to equalize assessments, by publication in some newspaper published and circulated in the said....., if there be one, and if there is no newspaper published and circulated in said....., by causing notices thereof to be posted in at least four public places in said....., and in the meantime the assessment list or book

must remain open for inspection of all persons interested.

SEC. 16. The Board of Trustees shall meet at their usual place of holding meetings on the second Monday of August of each year, at 10 o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day until all the returns of the Assessor shall have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the Assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the Assessment Roll for said tax for said year. It shall be certified by the Clerk of the....., who shall act as Clerk of the Board of Equalization, as being the Assessment Roll for said tax, and shall be the Assessment Roll upon which such tax is to be levied in said year. The proceedings of the Board of Equalization shall be governed by the provisions of Article I of Chapter IV of Title IX of Part III of the Political Code of the State of California, insofar as the said provisions are applicable and not inconsistent with the provisions of this Ordinance.

SEC. 17. The Clerk of the..... of..... shall be ex-officio the Clerk of the Board of Equalization, and, as such, he shall keep a full, true record of all of the proceedings of the Board of Equalization in a book marked, "Records of the Board of Equalization," and in the said book he shall record all changes, corrections and orders made by the said Board; and during the sessions of the said Board, or as soon as possible after its adjournment, he shall enter upon the assessment list all changes and corrections made by the Board, and, having completed the corrections in the assessment list, he must take and subscribe an oath to be attached thereto and to be substantially in the following form:

STATE OF CALIFORNIA, }
COUNTY OF..... } SS.
..... OF..... }

I,....., Clerk of the..... of..... and ex-officio Clerk of the Board of Equalization of said....., do swear that as such Clerk of the Board of Equalization, I have kept correct minutes of all of the acts of the Board of Equalization touching alterations in the assessment list; that all alterations agreed to or directed to be made have been made and entered in the said assessment list, and that no changes or alterations have been made therein, except those authorized.

Subscribed and sworn to before me
this.....day of....., 19.....

SEC. 18. The assessment list, corrected as provided in the preceding section shall be certified by the Clerk as being the Assessment Roll upon which city taxes are to be levied for the then current year.

SEC. 19. On the first Thursday in September of each year the Board of Trustees shall levy the tax to provide for raising the necessary revenue of the..... for the current fiscal year, shall by resolution fix the rate of taxes, designate the number of cents upon each one hundred dollars, using as a basis the value of property as it appears on the Assessment Roll for that year, which rate of taxation shall be sufficient to raise sufficient revenue estimated to be required to carry on the various departments of the..... for the current year, not to exceed one dollar on each one hundred dollars of assessed valuation and to pay the bonded or other indebtedness of the..... Having determined the whole rate to be levied, the Board shall then levy the tax to provide for raising the necessary revenue of the..... for the then current fiscal year, which said fiscal year shall begin with the first day of July of each year and shall end with the thirtieth day of June of the year next following.

SEC. 20. When the assessments have been

equalized and the tax has been levied and as aforesaid, the Clerk shall enter in the Assessment Roll in a separate money column, the respective sums, in dollars and cents, so levied on each one hundred dollars valuation of taxable property (rejecting fractions of a cent) to be paid as a tax levied on the property enumerated, and shall foot up the columns, showing the total value of property in the.....as corrected under the direction of the Board of Equalization, and the total amount of taxes; all of which shall be done and completed on or before the first Monday in October of each year.

Sec. 21. On or before the first Monday of October of each year, the Assessment Roll shall be delivered to the Tax Collector of the....., who shall within ten days after such delivery forthwith publish in a newspaper published and circulated in said....., a notice specifying:

That the taxes on all personal property secured by real property and one-half of the taxes on all real property will be due and payable on the first Monday in October, and will be delinquent on the last Monday in November next thereafter, at 6 o'clock p. m., and that unless paid prior to such delinquency, fifteen per cent (15%) will be added to the amount thereof; and that if the said one-half be not paid before the last Monday in April next, at six o'clock p. m., an additional five per cent (5%) will be added thereto; that the remaining one-half of the taxes on all real property will be payable on and after the first Monday in January next, and will be delinquent on the last Monday in April next thereafter, at six o'clock p. m., and that unless paid prior to such delinquency, five per cent (5%) will be added to the amount thereof.

That all taxes may be paid at the time when the first installment, as herein provided, is due and payable.

The times and places at which payment of taxes may be made.

Sec. 22. If there be no newspaper published and circulated in said....., the notice provided for in the preceding section shall be posted by the Tax Collector in at least four public places in said.....

Sec. 23. Upon receiving the Assessment Roll, the Tax Collector shall be charged by the Clerk with the full amount of the taxes levied.

Sec. 24. The Tax Collector shall give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of the tax, paid, and the amount remaining unpaid, if any, with a description of the property assessed; provided that the receipt for the last installment of taxes may refer by number or in any other intelligible manner, to the receipt given for the first installment of taxes, in lieu of a description of the property assessed.

Sec. 25. The Tax Collector shall mark the date of payment of any tax, or of the several partial payments, as the case may be, in the Assessment Roll, opposite the name of the person paying the tax.

Sec. 26. On the first Monday in each month, the Tax Collector shall settle with the Clerk for all moneys collected for the....., and shall pay the same to the Treasurer; and on the same day, the Tax Collector shall file a statement under oath with the Clerk, showing an account of all of his transactions and receipts as Tax Collector since his last settlement, and showing also that all moneys collected by him as Tax Collector have been paid to the Treasurer.

Sec. 27. On the last Monday in November of each year, at six o'clock p. m., all taxes then unpaid, except the last installment of real property taxes, are delinquent, and thereafter the Tax Collector shall collect, for the use of the City, an addition of fifteen per cent (15%) thereon; and if they are not paid before the last Monday in April next succeeding, at six o'clock p. m., he shall collect an addition of five per cent (5%) thereon. On the last Monday of April of each year, at six o'clock p. m., all of the unpaid portion of the remaining one-half

of the taxes on all real property are delinquent, and thereafter the Tax Collector shall collect, for the use of the....., an addition of five per cent (5%) thereon; provided, that the entire tax on any real property may be paid at the time when the first installment, as above provided, is due and payable; and provided also, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of such personal property is made.

Sec. 28. On the third Monday in December and on the third Monday in May of each year, the Tax Collector shall deliver to the Clerk a complete delinquent list of all persons and property then owing taxes, in which list shall be set down in numerical or alphabetical order, all matters and things contained in the Assessment Roll relating to delinquent persons or property. The Tax Collector shall at the same time, produce the Assessment Roll. The Clerk shall carefully compare the delinquent list with the Assessment Roll, and, if satisfied that it contains a full and true statement of taxes due and unpaid, he shall foot up the total amount of taxes so remaining unpaid, credit the Tax Collector, who acted under it, therewith, and make a final settlement with him of all taxes charged against him on the Assessment Roll, and shall require of him the Treasurer's receipt for any existing deficiency.

Sec. 29. After settlement with the Tax Collector, as prescribed in the preceding section, the Clerk shall charge the Tax Collector with the amount of taxes due on the delinquent list, with fifteen per cent (15%) added thereto, and within three (3) days thereafter, shall deliver said list duly certified, to the Tax Collector.

Sec. 30. On, or within five days before or after the first Monday in June of each year, beginning with the year 1913, the Tax Collector shall publish the delinquent list, which shall contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property added to taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same persons, the expense of the publication to be a charge against the.....; and the Tax Collector must append to, and publish with, the said delinquent list a notice that, unless the taxes delinquent, together with the costs and percentage are paid, the real property upon which such taxes are a lien, will be sold to the..... of..... The publications shall be made once a week, for three successive weeks. In some newspaper published and circulated in the....., and shall designate the time and the place of sale, which time shall not be less than twenty-one (21) nor more than twenty-eight (28) days from and after the first publication and the place shall be in the Tax Collector's office in the..... provided, that if there be no newspaper published and circulated in said..... such publication shall be given and made by posting copies of said list and notice in at least three public places in the..... of..... and keeping the same so posted for a period of three successive weeks and by publication in some newspaper published in the County of....., once a week for three successive weeks.

Sec. 31. The Tax Collector shall, as soon as he shall have made and completed the publication aforesaid, file with the County Clerk of the County of..... and with the City Clerk, respectively, a copy of the publication with an affidavit attached thereto, that it is a true copy of the same, and that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance and stating the time and the places of posting, and such affidavit shall be primary evidence of all of the facts stated therein.

Sec. 32. The Tax Collector shall collect in addition to the taxes due on the delinquent list and five per cent (5%) added thereto, fifty cents on each lot, piece, or tract of land separately

assessed, and on each assessment of personal property, which money shall be paid into the General Fund of the.....

Sec. 33. On the day and hour fixed for the sale, all the property delinquent upon which the taxes of all kinds, penalties and costs have not been paid, shall, by operation of law and the declaration of the Tax Collector, be sold to the..... of....., and the Tax Collector shall make an entry, "Sold to the....." on the delinquent assessment list, opposite the tax, and he shall be credited with the amount thereof in his settlement made with the Clerk; provided, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties and costs due; and provided further, that the..... of..... may bring suit against the owner of said property, for the collection of said tax or taxes, penalties and costs.

Sec. 34. The Tax Collector shall make out in duplicate a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of the sale, stating (if known) the name of the person assessed, a description of the land sold, that it was sold for delinquent taxes to the..... of....., and giving the amount and year of the assessment, and specifying when the..... of..... will be entitled to a deed.

Such certificates must be signed by the Tax Collector, and one copy shall be filed in the office of the County Recorder of the County of....., State of California. The other copy shall be entered in a book provided for that purpose and kept in the office of the Tax Collector.

Sec. 35. A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of the sale to the..... of....., or at any time prior to the entry or sale of said property by the..... of..... Redemption must be made to the..... Treasurer upon an estimate furnished by the Clerk in lawful money of the United States, and the Treasurer shall account to the..... for all moneys received under such redemption, which said money shall be distributed to the proper funds in accordance with the regular tax levy.

Sec. 36. If the property is not redeemed within five years from the date of the sale to the..... of....., the Tax Collector, or his successor in office, shall make to the..... a deed of the property. Such deed shall be in substance, and may be in form, as follows:

"This Indenture, made the..... day of....., 19...., between..... Tax Collector of the..... of..... County of....., State of California, first party, and the..... of....., second party, Witnesseth:

THAT WHEREAS, the real property hereinafter described was duly assessed for taxation in the Year 19...., to..... (stating name as on Assessment Roll) and was thereafter on the..... day of....., 19...., duly sold to the..... of..... by..... Tax Collector of said..... of....., for non-payment of delinquent taxes which had been legally levied in said year 19...., and were a lien on said real property, the total amount for which the same was sold being.....

AND WHEREAS, the period of five years has elapsed since said sale and no person has redeemed the said property.

Now, THEREFORE, the said first party in consideration of the premises, and in pursuance of the statute in such case made and provided does hereby grant to the said second party that certain real property in the..... of..... County of....., State of California, more particularly described as follows, to-wit: * * *

IN WITNESS WHEREOF, said first party has hereunto set his hand the day and year first above written.

.....
Tax Collector of the..... of....."

No other matters need be recited in the said deed than those provided for in the above form. No charge shall be made by the Tax Collector for the making of any such deed. All such deeds shall be recorded in the office of the County Recorder of the County of....., and the expense of acknowledging and recording the same shall be a charge against the..... of..... All such deeds, after having been duly recorded as herein provided, shall be transmitted to the..... Clerk and by him filed in his office. Such deed, duly acknowledged or proved, is primary evidence that the property was assessed as required by law; that the property was equalized as required by law; that the taxes were levied in accordance with law; that the taxes were not paid; that at a proper time and place the property was sold as prescribed by law, and by the proper officer; that the property was not redeemed, and that the person who executed the deed was the proper officer.

Sec. 37. In all cases where real estate has been or may hereafter be sold for delinquent taxes to the..... of....., and the..... has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators, or other successors in interest, shall, at any time after the same has been sold to the..... and before the..... shall have disposed of the same, have the right to redeem such real estate by paying to the Treasurer of the..... the amount of taxes, penalties and costs due thereon at the time of said sale, with interest on the aggregate amount of said taxes, at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also all unpaid taxes of every description assessed against the property for each year since the sale, or if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of July, following each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, and penalties as follows, to-wit: Ten per cent if redeemed within six months from the date of sale; twenty per cent if redeemed within one year therefrom; thirty per cent if redeemed within two years therefrom; forty per cent, if redeemed within three years therefrom; forty-five per cent if redeemed within four years therefrom, and fifty per cent if redeemed within five years or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from the time when the lands would have been sold for the taxes of that year, if there had been no previous sales thereof. The..... Clerk shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give his triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the Treasurer, together with the money, and the Treasurer shall give triplicate receipts, written or endorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts to the..... Clerk and re-deliver one to the..... Treasurer, and may record one in the office of the County Recorder. Upon tender of the fee for acknowledgment, the Treasurer shall acknowledge either of said receipts so as to entitle the same to be recorded. Upon the payment of the money specified in said certificate, and the giving of either of the receipts aforesaid, by the Treasurer, any deed or certificate of sale that may have been made to the..... shall become null and void, and all right, title and interest acquired by the..... under and by virtue of the tax sale, shall cease and determine.

In all cases where deeds have been executed by the Tax Collector to the....., as provided in Section 36, and the owner of the property redeems the same, as provided in this Section, the..... Clerk is hereby empowered and di-

rected to make, execute and deliver, in the name of the city, to the person in whose name the property is assessed, or his assigns, or when assessed to "unknown owners," to the owner of such real property, a deed in substance and in form as follows, to-wit:

"This Indenture, made this.....day of 19....., between.....of..... a municipal corporation, first party, and..... second party, Witnesseth:

THAT WHEREAS, the real property hereinafter described was sold to first party for delinquent taxes and penalties in the year....., and thereafter the Tax Collector of first party executed a deed dated....., and recorded in the office of the.....Recorder of the County of..... State of California, on the.....day of..... 19....., in Volume.....at Page..... records of.....County.

AND WHEREAS, the taxes and penalties, above mentioned, have been paid,

NOW, THEREFORE, the said first party, in consideration of the premises and in pursuance of the Statute and Ordinances in such case, made and provided, does hereby grant to the said second party that certain real property situate in the.....of..... County of..... State of California, more particularly described as follows, to-wit:

IN WITNESS WHEREOF, said first party has caused these presents to be executed the day and year first above written.

.....Clerk of the.....of....."

SEC. 38. The Assessment Roll or Delinquent List or a copy thereof, certified by the Clerk showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

SEC. 39. The Tax Collector may, after the first Monday in February in each year, collect the taxes due on personal property, except when real estate is liable therefor, by seizure and sale of any personal property owned by the delinquent. The sale must be at public auction, and of a sufficient amount of the property to pay the taxes, percentage and costs. The sale must be made after one week's notice of the time and place thereof, given by publication in a newspaper published in the....., or by posting in three public places.

SEC. 40. The Tax Collector must, on the third Monday in February and on the third Monday in June in each year, attend at the office of the Clerk, with the delinquent list, and the Clerk must carefully compare the said list with the assessments of persons and property not marked as paid on the Assessment Roll and, when taxes have been paid, must note that fact in the appropriate column in the Assessment Roll. The Clerk must then administer to the Tax Collector an oath, to be written and subscribed in the delinquent list, stating that every person and all property assessed in the delinquent list, on which taxes have been paid, has been credited in the list with such payment.

The Clerk shall then foot up the amount of taxes remaining unpaid and credit the Tax Collector with the amount, and shall have a final settlement with him, and the delinquent list must then remain on file in the Clerk's office.

SEC. 41. Any taxes, percentages, or costs erroneously collected may, by order of the Board of Trustees, be refunded by the Treasurer.

SEC. 42. When the Tax Collector discovers that any property has been assessed more than once for the same year, he shall collect only the tax justly due, and shall make return of the facts to the Clerk by an affidavit.

SEC. 43. In case the Tax Collector shall discover before any sale that by reason of irregular assessment or any other error, any land ought not to be sold, he shall not offer it for sale, but the Board of Trustees shall in such case cause

the Assessor to enter the uncollected taxes upon the Assessment List of the next succeeding year, to be collected as other taxes entered thereon.

SEC. 44. When land shall have been sold as the property of a designated person for taxes correctly imposed no misnomer of the owner, or other mistake relating to the ownership of such property shall affect the validity of the sale.

SEC. 45. The Assessor shall collect the taxes on personal property, in all cases in which, in his opinion, said taxes are not a lien on real property sufficient to secure the payment of the taxes. He shall pay into the..... Treasury monthly, on the first Monday in each month all personal property taxes collected by him, and in his hands, for any preceding month or time, and he shall make settlement therefor with the Treasurer, taking the Treasurer's receipt for all moneys so paid and the Assessor shall be governed as to the amount of taxes to be by him collected on personal property by the rate of the previous year.

SEC. 46. All property deeded to the City under the provisions of this Ordinance shall be sold at public auction by the Board of Trustees, not less than six months, nor more than two years after the recording of the Deed in the office of the County Recorder, after notice of the time and place at which the property will be sold has been published in a newspaper published and circulated in the City of..... for a period of at least twenty days prior to the date fixed for the sale; said notice shall set forth the property to be sold, the time and place of sale, and the terms under which the property will be sold.

If there be no newspaper published and circulated in the City, the notice shall be posted in four public places in lieu of said publication.

The Board of Trustees shall direct the proper officials to make and execute a grant deed in substantially the form prescribed, on the redemption of property after a deed has been made to the City; provided, that the third paragraph of the deed shall be as follows:

"AND WHEREAS, said taxes and penalties have not been paid, and said real property was, on the.....day of.....19....., after due and legal notice given thereof, sold at public auction to second party for the sum ofDollars, and on said date the Mayor and City Clerk were directed by the Board of Trustees of first party to make and execute this deed to second party."

Such deed, duly acknowledged or proved, is primary evidence that the property was assessed as required by law; that the property was equalized as required by law; that the taxes were levied in accordance with law; that the taxes were not paid; that at a proper time and place the property was sold as prescribed by law, and by the proper officer; that the property was not redeemed, and that the person who executed the deed was the proper officer.

SEC. 47. The word "Clerk" and the words "City Clerk" wherever used in this Ordinance, if no other words describe the officer, shall be construed as meaning the Clerk of the.....of..... The word "Assessor" wherever used in this Ordinance shall be construed as meaning the Assessor of the.....of.....

The words "Tax Collector" as used in this Ordinance shall be construed as meaning the Tax Collector of the.....of.....

The word "Treasurer" wherever used in this Ordinance shall be construed as meaning the Treasurer of the.....of.....

The word.....wherever used in this Ordinance shall be construed as meaning the.....of.....

The words "Board of Trustees" wherever used in this Ordinance shall be construed as meaning the Board of Trustees of the.....of..... and the words "Board of Equalization" wherever used in this Ordinance shall be construed as meaning the Board of Equalization of the.....of.....

SEC. 48. This Ordinance shall go into effect thirty (30) days from and after the date of its passage and adoption.

PROCEEDINGS OF THE SIXTEENTH ANNUAL CONVENTION

— OF THE —

League of California Municipalities

Held at VENICE, CALIFORNIA, October 6—11, 1913

(CONTINUED)

THE NECESSITY FOR A MORE SCIENTIFIC METHOD
OF ASSESSING

By H. A. MASON

For the past fifteen years, at every session of this organization I have had something to say on some subject that concerned municipal administration and I have heard various subjects first discussed in their most primitive way, matters that we were about to initiate and investigate for the first time. In street construction we used to talk of making pavements of dirt and gravel from the creek; now we have reached the stage of concrete and have applied scientific principles in the search for perfection. We took up the matter of sewage disposal at a time when we knew nothing about it and have seen the question lead us to septic tanks, and here too, we have resorted to chemical analysis and have sought the aid of science in leading us to a solution of an important municipal problem. So with the subject of the disposal of garbage, we have applied to science to assist us. In the framing of our charters we are applying the principles of scientific philosophy, and in accounting the science of mathematics, and recognized laws of the business world are showing us how this part of our governmental scheme should be administered.

So in nearly every line of municipal activity we have made progress—along some lines very rapid progress—and municipal management is being regarded as a scientific business requiring the services of experts to administer. I say “in nearly every line of municipal government has progress been made.” I note one important exception. In the exercise of the function of taxation we have

made relatively no progress except to raise the tax rate.

So I have chosen this subject as one to talk about, because it has been a neglected topic for all these years; because we *must* give it greater attention hereafter; because we must strive to place it on a scientific basis; because of the great law that nothing can endure that is not founded upon a measure of exact justice. And if government is to endure, it must deal justly with its subjects and as the power to tax is the power to destroy, as a learned judge said, that power must be exercised in a manner that its fairness and justice is recognized by all.

Every economic question is a moral question; every political truth is a moral truth. With this axiom before us let us see how our tax system will stand an investigation.

I challenge any one of you to take any assessment roll of any city or county in the State and declare that it conforms to any principle of justice. Our constitution declares that all property shall be taxed in proportion to its value. It does not say in proportion to half its value or twenty per cent of its value, but the word value means its whole value. There is no escape from that conclusion. There is not an assessor in the State that claims to list property at its value, not even his own property.

Next, I claim that there is not an assessment roll in any city or county in the State in which all the property is assessed in the same proportion of its

value. The best claim made is that it will average about a certain per cent of its value. Of course it will, there must be an average somewhere. Two tracts of land assessed, one at seventy-five per cent of its value and the other at twenty-five per cent will have an average of fifty per cent.

It is because of the varying ratios of values assessed (guessed at usually) that the greatest injury results to our citizens. If I pay a tax on property assessed at ten per cent of its value while my neighbor pays on a 40 per cent assessment, the body that imposes and collects that tax robs me for the benefit of my neighbor. And because it is done legally makes it none the less a robbery. So the tax question becomes a moral question or rather as practiced it is an unmoral question. I heard a speaker not long ago, declare that the present was not an age of graft but an age of the discovery of graft. We have been finding out things for certain that we have long suspected. We are finding the graft of the police, of the contractors, of the public service corporations who buy privileges, of the merchants who furnish inferior articles and give short weights, of manufacturers who adulterate their products and mislabel their packages. But how about that form of graft that takes from one taxpayer more than he should pay and takes from another less than all he should pay. We can find that form of graft in every assessment roll in every city and every county in the State, and excepting in one or two communities we are not doing a thing to even discover it, much less stop it. Stop it! Of course we can stop it. We can stop it, not so easily perhaps, as we can stop a grafting policeman when we catch him with the goods, but we can stop it when we set our minds to the task. In fact we *must* stop it or acknowledge government a failure.

How may disproportionate assessments be stopped? Why, that's easily answered. Just stop making proportionate assessments. Ascertain the full value. It is just as easy to ascertain 100 per cent of value as it is fifty per cent or ten per cent. Do not you see that when an assessor says that he has assessed a

certain piece of property at sixty per cent of its value, he must first have ascertained 100 per cent, otherwise, how could he say that it was sixty per cent.

The real trouble is, however, that assessors do not *ascertain* values but merely *guess* at them. I will admit, however, that a very few and intelligent assessors are beginning to experiment in the direction of really ascertaining values and in a few cities of this country some substantial results have been achieved in ascertaining the value of land according to certain established rules of mathematics. In other words we are commencing to apply scientific methods in making an appraisal of land values.

About fifteen years ago a man named Somers, then living in Minneapolis I think, concerned himself with the task of ascertaining the causes that operated to fix land values and instituted an investigation as to the factors that controlled them with a view of formulating a set of rules that could be adopted that would aid in determining the proper value to be placed upon parcels of different areas, with varying street frontages, and influenced by varying conditions. The outcome of several years of research was the promulgation of what is known as the "Somers System" of ascertaining the value of land. I read his first pamphlet on the subject and was impressed with the ideas that he set forth. When Tom Johnson was first elected Mayor of Cleveland he employed Mr. Somers to apply his rules in making a tax assessment for that city. The result was a great improvement over that of former years. Since then other cities have adopted the same system with like satisfaction. I have not the time or means here to go into an extended explanation of this system. It involves certain mathematical processes that could not be followed except by charts and I lack some of the details necessary to demonstrate the work. It involves as a basis a unit of value applied to a piece of land lying in the center of a block. The unit consists of a strip of land one foot wide and 100 feet in depth. Given this value on four sides of a block the value of the entire block is established and then by applying certain curves ex-

pressing logarithmically the value of each separate lot therein, no matter how irregular in shape, may be ascertained with mathematical exactness. The value of the initial unit is fixed, not by one man's judgment, but by a consensus of opinion of those who know, or think they know, just what that value is. Not being the judgment of a single man, liability of error is reduced to a minimum. Block after block is subjected to the same process, and as each block bears a certain ratio to the next adjoining block and by ascertaining these ratios an entire city can be valued, not by a system of guesswork, but as a result of mathematical calculations.

This certainly is an approach to a scientific assessment and requires the services of a man who might be called an assessment expert or a valuation engineer. Just as we would not now intrust the designing of a piece of construction work to any one but an architect or engineer, or the installation of a system of accounting to any one but an expert accountant, so should we not intrust the work of valuing property of a city to any one except one who has made that work his special study. The responsibility of turning out an assessment roll with its possibilities of inflicting undue hardships upon thousands of our citizens scarcely able to bear them, at the same time relieving others of their just responsibilities, is too great to be intrusted to a novice, a glad hand artist, or a crook.

I have spoken thus for a scientific assessment as applied to the ascertaining of land values only. The valuation of improvements and of lands require different treatment. The assessing of this class of property presents problems of great difficulty. The factor of depreciation enters into all calculations as to the value of improvements and this is a constantly varying factor and cannot be determined by any set of rules. Hence greater instances of injustice result from our attempts to value improvements and personal property than accrue from our assessment of real estate. In New York the body that makes assessments of buildings has formulated certain rules that work fairly well in cases of rent-

able buildings. There the rental value of floor space is determined, and after deducting the ground rent the remainder is credited as building rent and by this means the value of the building itself is determined. In carrying out this computation it sometimes happens that the building is without value, and in such cases no improvement value is assessed. In assessing personal property we should not dignify it with the name of assessing. It is purely a case of guessing and not assessing. No assessor knows, or claims to know, whether any given valuation of personal property is one per cent of a man's worth in such property or whether it is fifty per cent. He relies for the correctness of the assessment on the statement of the property owner. Probably not one man in ten thousand returns a correct list. Herein those who are more honest are the victims of their near honesty. We penalize them and reward those more unscrupulous. There can never be such a thing as a scientific assessment of personal property. The quicker we quit trying to tax this kind of property, the quicker will we stop the assessment graft that disgraces our assessment rolls.

After many years of observation and reflection, I have come to the conclusion that only one kind of property can be assessed by anything that approaches a scientific method and that kind of property is land. It is all in sight and each parcel of land bears a certain ratio of value to all surrounding land. An error of valuation is quickly discovered, and its discovery means its speedy correction. Errors in the value of other things are not so easily discovered and frequently not at all.

For this reason, among several others, viz.: for the purpose of making taxation just and equitable, I am in favor of relieving improvements and personal property from taxation.

But I know some of you will say in answer to this: That such an exemption would violate that sacred (?) principle of taxation, viz.: that property should be taxed in proportion to its value in order that all may contribute to the support of government according to their ability.

In reply to this I assert that such a rule does not state a correct principle of taxation. In the first place I have shown, or at least so endeavored, that we do not, nor can we, tax *all* property in proportion to its value. The rule fails and fails utterly when we come to apply it. Secondly, taxing property as the rule says we ought, does not force contributions to support the government in proportion to the ability of each to so contribute. Far from it. Taxation is a burden upon a large portion of our taxpayers,—those who have no surplus income out of which to pay it. It is not such a burden upon those who pay taxes out of this surplus revenue. Taxes laid under the present system are not laid with any thought as to the ability to pay.

We should seek, therefore, an entirely new rule as the basic principle upon which to build the future system of taxation. I believe that such a rule has been formulated, and was correctly stated in the report of the committee appointed by the late Mayor Gaynor of New York to recommend new sources of revenue. The committee said:

"Underlying all recommendations for new sources of revenue will be found a consistent theory of taxation. We have sought to place the burden of local government on those forms of property which represent values largely created by the government itself. It seems to us the essence of justice that such property should support the governmental agencies of the community."

In other words: the wealth which the community by itself creates should be taken to satisfy the needs of the community before recourse is had to the wealth created by the industry of individuals.

This seems to me to state a fundamental truth, an economic truth and a moral truth.

Why should we not consider the community, the city or the State, as we would an individual. Surely you or I, when we wish to satisfy our individual needs, satisfy them from the wealth that we have created before we beg, borrow or steal from our neighbors. If we did

otherwise we would not be considered honest. Why should not a community do the same as you or I. Is it honest for a city to take the product of our labor to satisfy its needs when it has created a wealth itself of which it fails to avail itself?

"Thou shalt not steal," should be spoken to the city or to the State as well as commanded of an individual.

So in our search for a scientific means for raising public revenues, we must first get rid of the present system of taxation and its accompanying errors and evils.

I believe we are moving in that direction and that the way will soon be cleared for rapid progress.

The constitutional amendment submitted by the last legislature permitting cities and counties to exempt certain specified classes of property from taxation, will, if adopted next year by the voters, make advancement possible to a more just and more scientific system of assessment and taxation.

Chairman Drullard: I am satisfied, gentlemen, that there is one convincing fact apparent to you all after listening to the reading of Mr. Mason's paper, and that is that he has lost nothing in activity in what he terms "starting something." Are any of you prepared to take up the discussion of this question?

Mr. H. L. Moody, of San Diego: I want to apologize to this convention for speaking on two subjects. But as in San Diego I am a sort of Jekyll and Hyde, that is, as auditor of the city I am Dr. Jekyll, and as assessor of the city, I am Mr. Hyde, according to the opinion of the secretary who has just addressed the convention. I am not guilty of ever having made an assessment. I am shortly going to be guilty of that act, and of course, I am equally interested in the assessment as in the auditing. A great many of the things that the Secretary has said in his most excellent paper I heartily agree with. The subject of taxation is the most important subject that confronts the average city. And I have found in San Diego that when you touch the taxpayer's pocketbook you hit him in a vital spot. I can't take the gentleman to San Diego now to see a tax roll

that is full cash value—I plead guilty—and it was not my fault. If he will come down to San Diego and visit our Exposition in 1915, I want to promise him that he will find one tax roll in the State of California that is assessed at its full cash value. Just how I am going to arrive at that thing, I am not sure. I am going to experiment this year, and next year I am going to get down to business. I have now inaugurated a system that I think will be of benefit in ascertaining the value of property. That seems to be the hardest thing in the assessor's line, first to ascertain what the property is worth in respect to the land and improvements. The first thing I did was to look up the State law, and I found that the State law required certain things of an assessor. It says that an assessor shall assess property at its full cash value. How in the world these assessors in the State of California ever expect to get to Heaven is more than I have been able to ascertain. Full cash value—it says that you must segregate the improvements from the real estate, too. Then I began to try and find out what "full cash value" meant, and I again consulted the code, and it defines what full cash value is. It says that full cash value is the amount at which a creditor would take a piece of property in payment of a just debt. Now, there is your law for assessing. That seems reasonable. It puts it right down in money, dollars and cents. A lot is worth so much money, and the creditor will take the lot in payment of a just debt from a solvent debtor and cancel the obligation at that figure. I immediately began to look around for some scheme whereby I might honestly ascertain the value, and I found (and this may not apply to northern California as I am talking of southern California), that in southern California there was an element of speculation in every piece of property that was bought. I think all of you agree with me there, that a man comes out here and buys a piece of property, and he is looking towards the future, and there is an element of speculation in that price. So I propose, in making the assessment of property in San Diego, to take out a certain percentage of the market value

of that property to allow for the speculative basis. I have prevailed upon the city council to allow me a commission of five real estate salesmen who are actively engaged in the sale of real estate, to ascertain values, and they are now working. And, comparing their work with the work that has been done in some of the cases, it is phenomenal as to results. For instance, the most valuable piece of property in San Diego, a corner lot, 100 by 100, was assessed last year at \$135,000. These men, after full investigation, reported that that lot could be sold on the market within a week at \$500,000. So we took \$500,000 as the market value of that property. Then we took out the speculative features in that property, allowing a certain percentage for fluctuation in value, which we ought to do in southern California, as growing cities have their ups and downs. I then established the full cash value of that land. And when any man comes before the board of equalization and complains about the value of that lot, I have got him, because I can produce a man that will buy the lot on the spot for the money. The trouble heretofore has been they have been comparing 40 per cent values and 50 per cent values and 60 per cent values, and allowing a great leeway for argument. Put your value at cash, establish the cash value, and put it low enough so that any man is able to sell that piece of property on the market. Be a little bit under, be a little bit conservative, and then no argument can be by them placed before your board of equalization to have their taxes lowered. Then I sent out 3000 postal cards to every business property owner in the city. Those postal cards had a return postal card on them, asking them to give me the full cash value of their real estate only for the purposes of assessment, outlining briefly the proposition. You should see some of those return postal cards. Out of 3000, I received about 12½ per cent replies. These replies ranged from "I don't know anything about the value of my property" to "20 per cent or 30 per cent more than it was really worth." And out of the whole number of postal cards, I received only about one-half of one per cent that were

of any assistance in ascertaining values. I said to myself, "Are the people really capable of self-government, when they will employ a man to do their business for them and sit in their offices all the time while he is doing it?" One trouble lies in the fact that the people are against any assessment—they don't want to pay taxes; they have been educated in California to steal in that respect, from the State down. Every county in the State has been stealing from the State, and it has got in the air, and the people want to steal from the city—they don't want an honest assessment. And the assessor who does his duty and places an honest valuation on the property has got one deuce of a job. My objection to a percentage plan of assessment is this: It allows an assessor to employ a large discrimination in the assessment of valuable property. For instance, you take a lot that is worth a million dollars. Like the little boy that asked his father how much a million dollars was, and he replied, "It's a hell of a lot," and the next day he went to school, and he was all bunged up and his eyes blacked and his clothes torn when he returned, and his father said, "Johnny, have you been in a fight again?" and Johnny said, "No, I haven't been in any fight." "What have you been doing?" said his father, and he said, "You told me this morning what a million dollars was, and I said so, and this is what happened." The ordinary assessor will find an ordinary piece of property, and it looks as if the poor fellow is not getting a great deal of income upon the property, and so he says, "I will cut \$10,000 off that piece. I don't like to pinch him, and so I am going to cut a good big chunk off the value of that lot," and then he assesses it at 40 per cent. In San Diego they have done it even down to 30 per cent. Then the assessor goes out into the residential district of the city, and he finds a lot that is worth \$1000, and it is easy to assess the value there, because property is selling all around him at \$1000 a lot. He finds out easily what that is, and \$500 isn't much of an assessment, so he will put on \$500 on a lot. So you see you find a 50 per cent assessment in your residential district and a 30 per cent

assessment in your business district. I want to ask you gentlemen, where ought to have been the burden of taxation, on the income property, or on the residential property? It seems to me there should not be any burden on either, but if there is to be any burden on either, it should be on the income-bearing property. I do not propose to discriminate but I think that income-bearing property should bear its just tax, and that is where the trouble is in San Diego, and that is where I am going to get the devil from those rich fellows who have been getting favors and have been getting off so easy. It is the only system that, in my judgment, will equalize the taxes. Every man in San Diego who owns over \$100 worth of personal property in the spring has got to pay an assessment. I don't believe it is right to assess a man on household furniture \$150 or \$250 or \$300, when he could not go out into the market and sell that stuff for anything but junk. If he has got anything that is worth assessing, assess it. I believe myself, that real estate ought to be assessed as low as possible, and I believe myself, improvements on real estate should be assessed as low as possible, and I believe I have got the State law to back me in it. The State law says you must segregate, and you segregate it and tell me how much it is worth—how much would the solvent debtor take for that house. So it seems to me that if the assessor lives up to the law that we have, there would not be the trouble over taxes that there is now.

Mr. E. A. Mansfield, of San Jose: Mr. Chairman, this is a matter in which I am considerably interested, this question of taxation. I have only been a member of the city council for one year, and I probably was like a great many other men who had paid no attention to city government, and I, like a great many others, have often said, "What is the city administration doing with the money." But when I became interested in city affairs and looked into matters to some extent I found that this very question of taxation was the particular subject that was causing all of this dissatisfaction. I found that business property in our city that rented eight or ten

years ago, income property, for something like \$75 a month, was bringing today \$175, and the difference in the tax collected upon that property was so slight that you would need a spy glass to see it. Those people owning their little homes in the residence district in our city, I believe are paying all they should pay. I am heartily in accord with this good gentleman's paper here in the matters relating to those things. I believed—I was going to say in the income tax. I believe that our income property is not paying one-half, that we are not getting one-half the tax that we should get from that. We find in our city that we have to enact ordinances and laws taxing every little thing here and every little thing there, in order to get sufficient money to run our city affairs, where, if we were getting our just proportion of the tax, that is, on the property values in our city, all those little things would not be necessary. And this gentleman from San Diego has certainly told this body of men the exact condition of things. I only hope that we may get rid of this difficulty in taxation—and I say to him that what will apply to the south will also apply to the northern part of the State.

Mayor Thomas Monahan, of San Jose: Mr. Chairman, there was one thing that was not stated about the situation in San Jose, and that is that we have no city assessor, and that under our present charter, we must accept the assessed valuation of the property in the city of San Jose as it is assessed by the county assessor, and the county assessor collects our taxes, or at least he assesses our property in the city and the county tax collector collects the tax. The money collected is then turned over to the city officials. We have no method, under our present charter, of doing our own assessing. There is one piece of property that my attention has been called to in San Jose that is assessed for \$50,000, and the man was offered \$300,000 a little over a year ago, and refused to take it. So I would say to the gentleman from San Diego that those same conditions exist in the north, or the northern portion of this State. I just wanted to add that to what Mr. Mansfield has already

stated. The city was trying to purchase a lot recently upon which to erect an incinerator. We found a lot that was suitable for it, with about six acres of land, on the outskirts of the city, that was assessed for \$500. We want to buy it, and they wanted \$5000 for it—refused to consider anything less. There are many other such instances that could be called to your attention, that would show that the same condition prevails throughout the entire State.

Mr. Frank Kasson, of Palo Alto: I am also from the Santa Clara Valley, as were the last two speakers. I want to speak as to one point that works against our trying to assess property at its full cash value. We raised the assessment to 60 per cent, assessing improvements at 40 per cent. Immediately the county took our assessment of our land values, but did not increase the land values of the balance of the county. So we are being penalized for trying to be progressive. Is there any remedy for that condition of affairs, if a city comes in and tries to do the right thing, and then have the county take advantage of it.

The Secretary: There are two remedies. The first remedy is to vote unanimously against the re-election of that county assessor, and the second is, go directly to your county boards of equalization, and show the county board of supervisors what has been done and demand a reduction of your entire assessment in your city to accord with that of the rest of the county.

Mr. Kasson: But do you think that you could do that?

The Secretary: At least you will get some publicity on it.

Mayor Monahan: It might be proper at this time to state that the county assessor of Santa Clara County has held that position for about forty years, and died of old age about a year ago, and his wife was appointed to fill his place, so they have it in the family. Another thing we find is that, that when this particular candidate was mentioned for re-election, anyone who is mentioned as an opponent is told by his wealthy friends, "You can't beat that man. Why, we won't think of voting against him." There is no doubt in my mind that when

the campaign has been on, he has had lots of money to spend. The newspapers all backed him and all the wealthy people backed him, and he has quite a good deal to conduct his campaign. There is no doubt about it. And the same condition will prevail at other elections, and the same condition will prevail along the entire section of the city. It is a pretty hard thing to do.

Mr. Munger: I want to say that Pasadena, under Mr. Kellogg, was a model city as far as complaints about taxation are concerned. The number of complaints this year were very few. Our assessments are levied up to the limit. I believe in raising assessments as high as you can get them, and making a low tax rate. People look at a tax rate quicker than they do at valuation, and it depends a great deal upon the amount of money required to run a city. A great deal has to depend upon that, of course. And if you bring the valuations up, and everybody is treated on an equitable basis, you will find that very few complaints are made. I must say that this year we have had practically no complaints. Our assessments are 65 per cent—we raised in one year from 60 per cent to 65 per cent, or practically two-third, and we derived enough to run the city; we always manage to treat everybody as equitably as we know how, too. The method we have is based considerably on valuations by a committee of real estate men. There is nobody who knows the valuation of a piece of property any better than a real estate man, and by taking a number of real estate men who are interested in your city and the progressiveness of the city, they will treat you fairly and will give you a proper estimate of valuations, and in the assessor's judgment, he can use the full valuation if he wishes to, or a basis of valuation which brings in the proper revenue.

Mr. J. L. Wright, of Santa Cruz: As to the discussion of this question, I am more a seeker for information than a giver of anything that will enable you to act in an intelligent manner on the question now before you. I am heartily in accord with the assessment of property at its full cash value. The law re-

quires that. We know no way to escape it except dodging our responsibilities. I, too, as some of the others who have spoken, am an assessor. We take our assessment roll from the county assessor. We are not compelled to do that, we may elect to do that under our charter, and have so elected at this time. But the trouble that arises that is almost insurmountable, insofar as Santa Cruz is concerned, is the manner in which we are to obtain revenue to carry on the functions of government. I see no possibility, under our present system of assessment, to get the money that is actually necessary to run the several departments of the government. We will say, for instance, we are assessed in round numbers at seven millions of dollars within the city by the county assessor. Three millions of that is personal property, which we would all like to see eliminated from the assessment roll, if we adopt this scientific principle of assessment that has been spoken of here this morning. But until we do that, we then have about \$4,000,000 in round numbers of property assessed, upon which we are to raise the amount of money necessary to run the government. Now, our charter, the commission form of government, recently adopted, provides that you can levy only one dollar on each hundred dollars of valuation as a tax. It does not take you long to figure out that you would have only about \$40,000 to run the whole city government of Santa Cruz. Will you tell me how we can run Santa Cruz on \$40,000? That is a point on which I would like to get information. How can we raise this revenue, when we have no other means of assessment, except liquor licenses. Is there anyone here that can tell me how we can raise the value put upon the property by the county assessor and make that stand before the board of equalization so they won't do just as has been suggested in another instance, penalize us, because we have found that it is necessary to raise our own assessment, the city assessment, in order to get money enough to run the city government, and that the county should assess us in proportion to the other property in the county. I would like to know how that is to be done.

Mr. Emmet Barber, of Huntington Park: While we are a small town, yet three years ago one of the council suggested a method of assessment—he suggested that we put the real estate at its full value, and the buildings and improvements on the real estate at 20 per cent of their value. There was some opposition, and they finally adjusted the matter by putting the real estate, the assessment of the real estate at 60 per cent of its full value, and the improvements at 20 per cent. This year the present council has raised it to 75 per cent on the real estate and 25 per cent on the improvements, for assessment purposes. But I have an idea of raising the valuation of the real estate to 100 per cent, or to its full value, and then eliminating the improvements up to a certain amount—I think that would be the most just and equitable manner of assessing, and it would give the best satisfaction. Prior to the raising of the valuation of real estate, the non-residents, who held the majority of the lots there, were paying very little taxes, but the residents were paying their taxes, and raising the valuation of every piece of vacant property adjoining them. They felt it unjust, and they felt as if there ought to be something done. This method of putting the valuation on the real estate to a higher rate, and assessing it at a certain percentage, say 75 per cent of its full value, has helped to adjust some of these matters and I should say that at 100 per cent it would help further. Not only that, but those people who hold the lots for speculation have been selling off their lots to others who came in there and built homes. It has helped us in that way, and I think it would help in every town and city. We go through the city of Los Angeles, and we see valuable lots held there at such a high figure that nobody will purchase them, and still they are paying a nominal tax on that property. You take it in all the cities, and it is the same way. I think that much of our taxation could be lessened on the small homes by getting a method of income tax to help out the property tax, and I think another thing that would help out very much is for the cities, as fast as possible, to own all

of their public utilities of every name and nature, including street car lines and all. (Applause).

Mr. McLaughlin: It appears to me that the gentleman from Santa Cruz is just a little bit foggy as to how to run the great city of Santa Cruz on \$40,000—are you not?

Mr. Wright: I am, sir—seeking information.

The Delegate: I will suggest this, that our Secretary, Mr. Mason, answer that question, and I think Mr. Mason can. Quite a job, isn't it.

The Secretary: I can answer it, easily enough.

The Delegate: Answer it, then, because he wants to know; there are a few of his brain cells undeveloped. I would like to see them developed right now.

The Secretary: If the convention chooses, I will close the discussion a little later, and may go over one or two of the points brought out here. I do not care to answer questions just at present.

Mr. C. A. Bonar, of Long Beach: The City of Long Beach is governed by a charter. The charter, of course, was adopted by the people. All the ordinances that govern our city have to conform to the charter, and of course that reverts back to the people. Up to last January, the assessment was done through the city clerk's office. Long Beach has grown at such a rapid rate and increased the duties of the city clerk so much that it was necessary to have this department under an assessor. A committee was appointed by the city council of ten citizens to frame up additions, recommend additions or changes to our charter, and in the changes recommended there was the establishment of the office of assessor. I am pleased to note that our assessor is here today, and if I am not imposing upon you, I want to ask him to make to you a short talk after I get through. We realize that our assessment was not just as equal as it should be. The point has been brought out by several of the gentlemen who have addressed you previously as to the difference between income property assessment and home assessment. It has been brought out fully, and we have the same things to contend with that every city

will. Because, as your city has grown, naturally your income property will increase, and your homes will spread out more. Our assessor and the council discussed the methods by which we wanted to form a base, or you might call it a unit. After considerable discussion, we finally agreed and instructed the assessor, to assess the real estate at its actual cash value. Now, while that has only been in operation since the first of March of this year, the system, of course, will take several years before you can get to an equal assessment. Our assessor went to various real estate men in the city and asked them their recent sales—not what they asked for property, you understand, but their recent sales. There is no way you can get at the real estate values in any city better than by taking what the man who wants to buy the property will pay for it, and the man who wants to sell will take for it. That is just as equitable a way of establishing your values in any part of the city as you can get at. If you have a real estate board which our friend from Pasadena made mention of, which is very good, this real estate board, if they will give you a valuation of a piece of property, will consult, first, the sales that are made. Any real estate man competent in the business is actively keeping in touch with every sale made, and will record the same for future reference in giving his customer instructions or advice as to the value of the property he is desirous of selling. Our city assessor in Long Beach keeps a regular tabulated record of the sales made by the different real estate men over the city. In making up his assessments, he refers to those records. He will not take one sale in a block, he will take just as many as he can get. The great difficulty that the city council in our city has, and we sit as a board of equalization for two or three weeks, is that people will come before us and, with great crocodile tears in their eyes, will tell us how the property has depreciated in value, and it is not worth nearly as much as we are trying to assess it at. As a matter of interest, I would like to make one suggestion: While it is not a law, and I don't know that a city could adopt it,

there should be a law that if a piece of property is worth \$50,000, and you know by the evidence of the property sold around it, that it sells at that, and the property owner comes to you and tells you that actually that property is not worth more than from \$20,000 to \$35,000 and will swear to a statement that it is not worth more than that while you have it assessed for more than that, there should be a State law compelling that man to sell the property to the city at the price that he has put it at, and then let the city sell it to the highest bidder. In that way, if that could possibly be added as a State law, or to the powers of your city, it would give you a more equitable assessment all over your city. That is a thing that we wish to get at. We don't wish to have one man's property assessed higher than another's. That isn't the idea. But it is to get each man equal with his fellows. It is not whether you are paying your assessments on 100 per cent valuation or 50 per cent valuation or 30 per cent valuation, but that every man is equal with his neighbor. That is what we tried to get at, to get an equitable assessment. We have tried in Long Beach to do that, I say. We establish 50 per cent of its full valuation. We have so much money to raise to run our city with. We tax all our property. The City of Long Beach is a clean city, by which I mean there are no saloons, and we receive no tax from that, and we receive about \$63,000, as near as I can remember from other sources of taxation, including peddlers' licenses and all that sort of thing, and of course we are a fast-growing city, and it keeps us going continually to keep up with the demands of the city. But we are doing it, and this year the tax rate is less than it was last year. That is due to the vast growth of the city, and so many of the lots are improved. If it is not imposing upon the assemblage too much, I would like to ask Mr. Hooper, our newly appointed assessor, to make a brief statement as to our assessment there.

Mr. Lorin A. Handley, of Los Angeles: Taking the theory that you work out, this new scheme of taxation, would it make any difference in the concrete results whether you assess on the basis of

100 per cent or on the basis of 50 per cent, in arriving at the amounts?

Mr. Bonar: The thing is that you get every man equal with his neighbors. You can put your percentage wherever you want it. You have got so much money to raise to run your city, and if you added 100 per cent, you would have to have only half the rate you would have if you had it at 50 per cent.

Mr. Moody: But there is no law which allows you to assess it at less than its full cash value.

Mr. Bonar: We do it uniformly.

Mr. Moody: But that is an absolute violation of the law.

Chairman Drullard: Gentlemen, if we are to carry out the program for the day, it will be necessary to adjourn at this time, and we will take up the discussion after recess, which will be at two o'clock.

On motion the convention adjourned to meet at two o'clock, p. m.

AFTERNOON SESSION

Before the General Body

The convention was called to order by President Mott at two o'clock, p. m.

The President: This morning the meeting developed into one before the general body, and when the adjournment was taken, the subject under discussion was not quite concluded. It was suggested that it be taken up this afternoon immediately upon convening. The subject was that of taxation. If there is anyone else here who has something to say upon that subject in continuation, the convention will be glad to hear from him.

Mr. John B. Henck, of Santa Barbara: There is only one point I wanted to bring forward, and that was another possible basis for assessment, which is the rental value. I believe in several European countries, that is the basis of taxation, no attempt being made to estimate the sale value of property; but the rental value, which is pretty easily reached, is taken. In Germany, they even carry it into the personal taxation, to the extent that they tax the man on

the rent that he pays as an index to his income and general prosperity—ability to pay.

The President: A very good suggestion, Mr. Henck. Are there any other ideas to be expressed, or is there anyone else present who has something to offer on this most important question, the method of assessment, and the question of taxation.

Mr. De Camp: Not being a member of this organization, I will state that just now I handed your secretary a communication upon that subject from the Taxpayers and Equality Association of Los Angeles city. The secretary has it in his hand. I don't know what you have said upon that subject, but we are prepared to offer you something upon that point.

The President: This is a communication from the Taxpayers Audit and Equality Association, by Charles Phipps, Secretary. If, later on, we have time, after the disposal of the regular program or the regular papers, and it is desired to hear from this gentleman, of course we can do so. But at the present time we will have to go on with our regular order of business. If anyone has anything to offer, I hope he will not hesitate to stand right up and say so. This is a matter that interests us all very much, and anyone that has any light or any suggestion to make, should make it, because we would like to hear from you. We want this convention to be a thorough success. As no one else appears, I will ask Mr. Mason to address the convention further in closing the discussion.

The Secretary: Mr. President, all I want to say is by way of conclusion and perhaps to close the question formally. I think the purpose I had in view, or the purpose I announced before reading the paper, has been fully accomplished. I gave notice that I was going to start something, and I think that I did. I am sure that the discussion which the paper brought out has been very productive. I am especially gratified to find so many of the members present that agree with the general tenor of the paper. I am also very much pleased to see that some of the assessors who have to deal with this question in a very practical manner

are investigating and ascertaining the theory of taxation, and are applying themselves to mastering its principles. I think that the assessor of San Diego is on the right track. I trust that he will not stop, however, until he has assessed the value of the land at 100 per cent. He spoke of, and I did not get his distinction very clearly in that, an intention on his part to make an allowance for a speculative value. I think he will find when he comes to investigate the question that that is just the value which ought not to be cut off. It is the speculative value that we are trying to tax, just as we are trying to squeeze the water out of the capitalization of the big corporation. I think we should squeeze the water out of the land values in exactly that way, so that we can bring that land into more active use, and, instead of its being held idle, let it be used in productive enterprises. I trust also that the assessors will look more fully into the system I referred to, although I do not subscribe fully to it, the Somers system of values. I think it is the only scientific method by which you will find what is the actual selling value or the actual cash value of land. I did not present the paper with the idea of accomplishing any great result at this meeting. It is too big a subject to do anything with excepting along educational lines. I trust that you will take the matter with you, study it over, and see what ails your own community, find out, if possible, why it is that your own towns cannot get sufficient money to satisfy your own needs, and see if you can't work out a system by which you can get the necessary funds without inflicting injury upon large numbers of individuals. I think you can reach that solution yourselves. I think it is incumbent upon you to do that, and I know that what little I have said today will produce good results later. I thank you. (Applause).

The President: Before introducing Mr. Baker, I want to announce the personnel of two committees authorized yesterday to be appointed. On the Memorial Committee, I will appoint Supervisor A. H. Giannini, of San Francisco, Commissioner E. M. Wilder of Sacramento, and Councilman W. J. Bryant, of Los Angeles. On the Legislative and

State Constitution Committee, I will appoint Mr. Charles N. Kirkbridge of San Mateo, Chairman; Mayor J. J. Gill of San Leandro, Mayor C. F. O'Neill, of San Diego, and Mr. C. B. Marx Greene of Antioch and Pittsburg, and Mr. C. L. Priesker of Santa Maria.

We now come to the regular program of the afternoon. The first subject is, "New Ideas for City Charters"—the commission plan against the municipal business manager plan—and I have the pleasure of presenting to you Mr. Frederick Baker, a specialist on the law of municipal corporations. (Applause).

Mr. Baker: Mr. President, before beginning the reading of my paper this afternoon, I wish to say just a word in appreciation of the work of this League. I think I am entitled to have that privilege, by reason of the fact that I have been in touch with it now for a period of several years, and I can state from my knowledge of its work and from my own experience there is not a dollar spent by any municipality in this State that produces as much for the municipality as the dues spent in membership in this League. (Applause). I know that sometimes city officials are a little bit backward about coming forward with subscriptions for the League, and contributing money for purposes of this kind in the way of expenses of attendance, etc., on account of feeling a little delicacy that perhaps the people will criticize them for doing something to benefit themselves. But that is entirely an erroneous point of view, and I think that none of us should hesitate, whenever the opportunity presents itself, to strongly advocate the municipality keeping up its membership in this League, or joining the League if it is not already a member, thus doing its part to see that the various members of the municipality attend these meetings.

I see that the title of this discussion would indicate that I was to take one side or other of the problem involved in the title. On the contrary, and perhaps contrary to the usual practice of lawyers, at least so far as generally known, I think I will take both sides.

(For Mr. Baker's address, see December issue, *Pacific Municipalities*, commencing page 681).

A CITY PLANNING PROGRAM

To obtain a comprehensive **CITY PLAN** for remedying existing evils and for future growth, we must—

I. GATHER COMPLETE KNOWLEDGE OF FACTS ABOUT THE CITY, as to

1. Physical Conditions—Contours and grades.
—Streets, main traffic arteries, squares, and minor residence thoroughfares.
—Water supply and sanitation.
2. Economic Conditions—Transportation
—Shipping, harbors, and docks.
—Railroads, terminals through and local freight.
—Local and interurban rapid transit.
—Surface lines, vehicles and pedestrians.
—Business, factories, warehouses.
—Food supply, markets, and deliveries.
—Relative districts and zones for above.
3. Social Conditions—Housing, tenements vs. single dwellings.
—Recreation facilities, playground schools.
—Parks and boulevards.
4. Aesthetic Conditions—Attractiveness vs. Repulsiveness of city.
—Architecture, placing and grouping of public buildings.
—Street adornment and planting.
5. Legal and Administrative Conditions—Legal obstacles and lax enforcement.
—Resources of city.
—Financing improvements.

II. EMPLOY COMPETENT EXPERTS to study facts and lay out the solution in a **CITY PLAN** for the future.

III. SECURE EXECUTION OF THE **CITY PLAN** by establishing a **CITY PLAN COMMISSION**, which shall be

1. Repository for surveys, facts and all suggestions for city improvements.
2. Interpreter of **CITY PLAN** to check up relation of all proposed improvements.
3. Amender of **CITY PLAN**, keeping abreast of progress and changes in conditions.

IV. EDUCATE THE PUBLIC TO THE **CITY PLAN**—Get pressure of Public Opinion behind city officials, and secure legislative authority and appropriations to carry it into effect.

A CITY PLANNING PROGRAM

By CHARLES HENRY CHENEY.

"Look before or you'll find yourself behind."—*Franklin*.

In carrying out any campaign for civic improvement which is to lead to the achievement of lasting results, it is only common sense to start with a careful program of procedure—and the science of City Planning is founded upon common sense and forethought.

A City Plan that is worth anything can only come, under our present form of government, by persistent effort; first, by the enthusiasm of a group of

workers, generally outside the city government, who have the foresight to see the great good that can come to the city from co-ordinating all the suggestions and expenditures of the different departments for physical changes into one consistent scheme of city building.

These little groups, generally from the Chamber of Commerce or some other civic organization, seeing the great strides that Eastern cities are

making in City Planning, gradually enthuse and convince the city officials until an appropriation is made for a program study or preliminary survey of the city's condition and need of correcting existing evils. If then there are progressive city officials to take up the work, experts can be employed, first to make this survey of the facts; second, suggest a solution, and third, work the solution into a City Plan that will live as a permanent scheme for all future development of the city.

GET A CITY PLAN FIRST, THEN EXECUTE IT.

There is then the great and most important part of the work to do—to secure the execution of the City Plan. While a progressive and energetic mayor or member of the City Council may for a year or two make the execution of the plan his chief business, the changes of political and other local conditions generally in time bring somebody else in charge of the city's affairs who is more interested in some other problem of city government.

It has therefore been found that the most successful method in this country is to have a permanent City Planning Commission or Bureau, composed of public spirited and well-informed citizens of the community, who act without pay, with terms of four or five years each, one going out each year, thus forming practically a permanent force, always on guard. Such a body naturally becomes a repository for all suggestions, facts and surveys of the city, sifts and collates what is for the best good, interprets the plan, checks up the relation of all proposed improvements and advises the city commission thereon, and lastly, so amends the plan, after due study and consideration, that it will keep abreast of the progressive city and changes in conditions, which years of growth alone bring about.

A PERMANENT CITY PLANNING COMMISSION NECESSARY.

This is the successful method of making a City Plan worth something to a city. The States of Massachusetts and New Jersey have for two years had compulsory laws requiring every city of over 10,000 inhabitants to have a City Planning Commission to do these things. California needs such a law and will probably get it at the next session of the Legislature. Meanwhile several cities in the State are already preparing to appoint such an advisory commission. Forethought pays. Every city with such a commission is only taking an immediate step for greater efficiency and greater comfort. It is also making possible that dream and hope of every good citizen that his city may rightly become and be known as one of the exceptional and most beautiful, while yet one of the most economic and conveniently arranged cities of the country.

CITY PLANNING THE COMING CIVIC ISSUE.

Those groups of citizens who realize the great and telling benefits of careful City Planning and are already working for its adoption in our California cities, need only to remember that wherever City Planning has been taken up from the economic and scientific standpoint the country over—I am not now speaking of the purely aesthetic "city beautiful" movements, which have so often come to nothing because of their lack of a practical program—wherever there has been a real City Planning program the people and city officials have been quick to see the common sense of forethought and careful work along this line. City Planning is now and for several years has been nearly the greatest civic issue in the Eastern cities of the United States. It is bound to be soon an issue in every city on the Pacific

Coast. Progressive city officials, Chambers of Commerce and citizens cannot afford longer to overlook what has been accomplished in so many cities by the establishment of City Planning Commissions, the employment of experts to study conditions and prepare a definite City Plan, and further the magnificent and healthful effect which many cities can already show from the completion of such parts of their permanent plan as resources have permitted being put into effect.

A CITY PLANNING MOVEMENT NOT HARD TO START.

It is simple to get started, if in any city there is a group of citizens who understand something of what City Planning means. The practical ideas and common sense of City Planning forethought readily appeal to everyone, and the movement, once set in motion, goes along very fast with proper information and publicity.

The usual process is to organize a strong committee of business men, secure general literature and data on City Planning and what it has brought to other cities, and to use this material to convince city officials and the civic organizations. To accomplish the latter the quickest way is to hold a City Planning Exhibit to which all city officials, groups of citizens and the public generally can be brought and easily educated. "Seeing is believing." The introduction of an ordinance for a City Plan Commission after such an exhibit is a natural consequence.

When a strong City Planning Commission has been appointed the next step is to secure the pressure of public opinion for legislative authority and appropriations, to have experts study local conditions, and to educate the community. The securing of a permanent plan is then a matter of course.**

CITY PLANNING NOTES

The city of Oakland has obtained the City Planning Exhibit from New York for the dates of March 12 to 22, has organized a strong local committee to work up local comparisons, and has gained the hearty co-operation of Alameda, Berkeley, Piedmont and Richmond.

The Commonwealth Club of California has organized a City Planning section, with James D. Phelan as chairman, C. E. Grunsky as vice-chairman,

and C. H. Cheney as secretary, and fifteen prominent citizens of the State as members. The question of obtaining the New York City Planning Exhibit in San Francisco early in April for the benefit of all Central California cities will be immediately taken up.

The January Bulletin of the Berkeley City Club publishes an important introduction to a City Planning Report on Oakland and Berkeley, by Dr. Werner Hegemann.

(**This is the second article on City Planning by Mr. Cheney, in a series that will appear each month. Last month's article entitled "What is City Planning?" has been reprinted and can be had at this office at two cents each or \$1.75 per hundred.—Ed.)

PROCEEDINGS OF THE FOURTH ANNUAL CONVENTION

— OF THE —

League of Washington Municipalities

The Fourth Annual Convention of the League of Washington Municipalities, in session at Spokane from the 19th to the 22nd of October, was a noted success in every respect.

The papers presented for discussion, and which will be published shortly and distributed to the members of the League, showed careful preparation and dealt with live issues of great and immediate importance to the cities and towns of this State.

Besides the reports of Standing Committees on Legislation, Finance, Local Improvements, Home Rule, Public Health, Eminent Domain and Fourth Class Cities, and the various Section Conferences which provided opportunity for informal discussion of technical and professional questions of immediate personal interest to the various groups of experts and specialists attending, a large variety of topics provoked a thorough discussion on the basis of papers carefully prepared in each case by thoroughly competent and practical men. Important subsidiary features of the Convention were the Question Box, through which answers were given to questions submitted by delegates, or sent in from cities or towns, and the manufacturers' and municipal exhibits, several cities showing specimens of work from different departments, and about twenty paving companies exhibiting samples of various types of street pavements.

ADDRESSES, REPORTS AND RESOLUTIONS.

A brief summary of the principal discussions, reports and resolutions will appear in future issues of this paper. The following addresses deserve special mention and indicate the men who are competent to supply more detailed information on the subjects named:

Presidential address on the past year's work by President Howard A. Hanson of Seattle.

Co-operation of the State University with Municipalities: Prof. Erwin A. Start, Director University Extension, Seattle.

Bureau of Municipal Research: Dr. Herman A. Brauer, University of Washington.

Relation Between Width of Tires and Life of Pavements: Max Wardall, City Councilman, Seattle.

Grade Separations: H. M. Stephens, Corporation Counsel, Spokane.

A City's Waste: Dr. J. E. Crichton, Commissioner of Health, Seattle.

Sewage Disposal in Third and Fourth Class Cities: Prof. E. J. McCaustland, University of Washington.

Water Supply in Third and Fourth Class Cities: Morton Macartney, City Engineer, Spokane.

Milk Supply for Washington Cities: L. W. Hanson, State Dairy Instructor, Seattle.

Meat Inspection: Shall we adopt a Bacterial Standard for the Sanitary Control of Meat? Dr. John Weinzirl, Professor of Bacteriology, University of Washington.

Proposed Water Rights Legislation: Prof. O. L. Waller, State College, Pullman.

Sanitary Uses of Streams: Dr. Eugene R. Kelly, State Health Officer, Seattle.

Honest Weights and Measures: A. W. Rinehart, State Deputy Superintendent Weights and Measures, Olympia.

Municipal Markets: Dr. Herman A. Brauer, Bureau of Municipal Research, State University.

Municipal vs. State Regulation of Local Utilities: Dr. J. Allen Smith, Professor of Political Science, University of Washington.

Management of City-Owned Utilities: Oliver T. Erickson, City Councilman, Seattle.

Possibilities of Municipal Light and Power: J. D. Ross, Superintendent Lighting Department, Seattle.

Indeterminate Franchises: E. D. O'Brien, Assistant Superintendent Public Utilities, Seattle.

Local Improvement Work by Day Labor: D. C. Coates, Commissioner of Public Safety, Spokane.

Commission Government in Spokane: Mayor W. J. Hindley.

Civil Service under Commission Form of Government: C. M. Fassett, Commissioner of Public Utilities, Spokane.

Effective Features in Commission and City Manager Forms of Municipal Government: Dr. Herman A. Brauer, Bureau of Municipal Research, State University.

Police Problems: Austin E. Griffiths, City Councilman, Seattle.

Welfare Bureaus: A. R. Gephart, Secretary Social Service Bureau, Spokane.

Municipal Farms: G. W. Stocker, Police Judge, Spokane.

Separate Trials for Women Delinquents: Mrs. J. R. Roberson, Spokane.

SECTION CONFERENCES.

The following groups of city officials were represented at these conferences: Mayors, Councilmen and Commissioners.

City Attorneys.

Engineers and Street Superintendents.

Treasurers, Comptrollers and Clerks.

Health Officers.

Police and Fire Departments.

In recognition of the fact that these various groups of professions have special questions and problems of their own, in which other sections or groups have no such immediate personal interest, and in order to secure closer contact and co-operation throughout the year, among the members of each group, it was deemed advisable to continue these sections as permanent organizations within the League. The following sections have already been formed:

Treasurers, Controllers, and Clerks:

W. H. L. Ford, City Treasurer, Everett, chairman.

J. Anthony Smith, City Clerk, Spokane, secretary.

City Attorneys:

James E. Bradford, Corporation Counsel, Seattle, chairman.

George R. Bigelow, City Attorney, Olympia, secretary.

City Engineers:

D. W. McMorris, Assistant Engineer, Seattle, chairman.

E. L. Van Epps, Ex-City Engineer, Olympia, secretary.

OFFICERS OF THE LEAGUE.

By unanimous vote of the delegates assembled, the following were elected officers of the League for the ensuing year:

President: Howard A. Hanson, Assistant Corporation Counsel, Seattle.

Vice-President: Mayor W. J. Hindley, Spokane.

Secretary-Treasurer: Dr. Herman A. Brauer, Bureau of Municipal Research, University of Washington, Seattle.

CHAIRMEN OF STANDING COMMITTEES.

Eminent Domain: James E. Bradford, Assistant Corporation Counsel, Seattle.

Public Health: Dr. J. E. Crichton, Commissioner of Health, Seattle.

Home Rule: Mayor George F. Cotterill, Seattle.

Elections: Dan F. North, City Attorney, Bellingham.

Fourth Class Cities: Senator Arthur McGuire, City Attorney, Waterville.

Olympia was chosen as the place for the League's next convention.

HERMAN A. BRAUER, Secretary.

At the Fourth Annual Convention of the League of Washington Municipalities recently in session at Spokane, Washington, resolutions were adopted on the following subjects:

CONSTITUTIONAL CONVENTIONS "The League of Washington Municipalities endorses the holding of a State Constitutional Convention as the best and most expedient method of changing and making a modern constitution, and urges all individuals and organizations interested in constitutional amendments to join in united demand for a constitutional convention."

COMMISSION GOVERNMENT FOR STATE: "That a commission form of government, or some modified form thereof which will involve direct responsibility, continuous service of officials, non-partisan elections, frequent legislative meetings, and deliberate consideration of proposed legislation with ample opportunity for public hearings, is desirable for the State of Washington, as a substitute for the present cumbersome, inefficient and unsatisfactory legislative and official bodies."

A committee was appointed "to report to the next annual meeting of the League as to the wisdom and advisability of amending the constitution so that the state would be governed by a small body of trained and competent legislators and administrators, continuously at work, and vested with power to enact and administer laws."

LIVING WAGE: "The League recommends the adoption by the State of Washington of a minimum wage for laborers employed upon state work, and the passage of a statute enabling the various political subdivisions of the state to fix for their laboring men, whether employed directly or through contractors, a minimum wage which shall be based in amount upon the living conditions in the various communities, and which shall involve not only adequate

pay for the labor furnished, but also a consideration of the conditions of life which tend to good citizenship." A committee will prepare such a bill and present the same at the League's next annual session.

GRADE CROSSINGS: A committee will prepare and present to the next annual meeting of the League a bill "to amend the Grade Crossings Act of 1913, so as to provide that the costs and expenses of eliminating grade crossings be paid by public service corporations, and exempting counties and municipalities from such cost and expense."

WEIGHTS AND MEASURES: The League endorsed the ruling of the Washington State Supreme Court "against the allowance of a tolerance in the marking of package goods as prescribed by the Federal Pure Food Law passed in March, 1913."

Olympia was chosen as the place for the League's next convention, and officers for the ensuing year were elected as follows:

President: Howard A. Hanson, Assistant Corporation Counsel, Seattle.

Vice-President: Mayor W. J. Hindley, Spokane.

Secretary-Treasurer: Dr. Herman A. Brauer, Bureau of Municipal Research, University of Washington, Seattle.

INFORMAL DISCUSSION ON STREET AND ROAD PAVEMENTS

Proceedings of the Sixteenth Annual Convention of the League of California Municipalities
Held at Venice, California, October 6-11, 1913

(Continued from January Number, Page 30)

The Chairman: Is that the law at the present time? I understood inspectors should be paid as high as \$5 a day.

Mr. Handley: The Vrooman act is \$2.50.

The Chairman: We always paid \$4.

Mr. Givan: Before we leave oil macadam, I want to say that Sacramento has had perhaps as much experience in oil macadam pavements as any city in California. At the very

first, at the outset, we began experimenting. Sacramento laid oil macadam streets among the first in California, and we have now abandoned it, because we feel that the chance of getting a poor street is too great to risk building it. We have some of the best oil macadam streets that I think could be constructed for light traffic. Practically none of them will hold up under heavy motor truck traffic. They will break the

surface film, and when you cut that, they will deteriorate very rapidly, and heavy motor trucks will certainly break the surface film. We have tried a good many specifications. For the last five years, we have built the streets under practically the same specifications. At least 25 per cent of our streets can be considered absolutely valueless, and I don't see how any city, unless it is large enough to maintain a perfectly equipped laboratory and perfectly competent inspectors, can afford to take a chance at putting down oil macadam streets. You must have thorough tests from every point of view.

Mr. Callaghan: I would just like to say a word in regard to building streets with oil macadam. In company with our engineer at Watsonville and others, I inspected a great many of the streets that we have built. They already had one street that had been built some three years, but it was not the heavy asphalt surface, yet it was enough of a success so that we have adopted it, and I am quite sure that we are going to continue building oil macadam streets. As the gentleman from Pasadena said, it largely depends on the quality of the material and the man who is looking after it. I have had to go in, two weeks ago, and have them haul off a carload of screenings. There is no place for dust on oil macadam streets. Our experience demonstrates that. The great mistake with the contractor is that he thinks he must use dust. My proposition is that you fill the base thoroughly, the sub-base must be rolled, and then re-rolled, as Mr. Craig has said and said well, and then you must have clean, good rock, granite rock preferred, and that must be rolled. We put on nine inches at the center, and six at the curb, and that is rolled and rolled and wet and rolled down to six inches. Then we put on that small rock, enough to fill the voids, fill up and bind that. Then we put on two inch rock, two or two and a half, I would not be sure, and then we oil it—we put three-quarters of a gallon of 90% asphalt oil to the yard. Then we put chip rocks—no dust—and fill the voids and roll. Then we put another quarter of a gallon of oil

on, making a gallon in all, and then we put fine screenings, and roll and roll thoroughly, and dry with dust. Then if any oil appears within a week, we dry that with dust, and we have a perfect street. The reason I talk at this length upon the subject is this: I came here, if possible, to listen to the city engineers from the different cities, in the hope that something definite might be reached. I have been at the last three conventions, and that is one thing I have found fault with, that we have never arrived at any definite point. I don't want you to take it for granted that what I have said means anything to you. We have a perfect, uniform base of heavy, sandy loam soil, and we have a good sub-base under that, and our streets that have been built fifteen months ago are better today, with heavy traffic, than they were, and I will guarantee we will have very little expense upon them in ten years.

The Chairman: If we are going to build oil macadam streets, do the city engineers present have any special objections or criticism on the specifications just given for oil macadam streets? For myself, I think I would be willing to go on record as saying that I consider those pretty good specifications.

Mr. Allin: The specifications that the gentleman has given come the nearest to ours of any we have heard. I would even use less small rock and less screenings. One thing I failed to mention before is the quality of the oil. The oil should be carefully examined. We let no oil go on the street that has not been tested by our city chemist.

Mr. Evans: I don't know what is the matter with Sacramento, or why their experience should have been as is indicated. If any of the people here want to come up to Riverside, I will show you some of the best rock macadam streets in the State of California: some of them have been down fifteen years and are as good today as the day they were put down, with the cost of maintenance very slight. It depends greatly on the kind of rock you have and the kind of men you have putting it down. We have two streets that were made a kind of a fizzle, owing to the fact that they used the

wrong kind of rock, rock that will not make a proper street, because if it does not break right under the crusher, it will creep and make the corduroy roads. But take the right kind of rock and the right kind of supervision, and it is the cheapest kind you can put down, and it makes a first class road. Come up to Riverside and see it.

Mr. A. W. Horwege: I would like to ask the gentleman from Watsonville what quality of oil he is using.

Mr. Callaghan: 90% asphalt.

Mr. Horwege: 90% Standard oil?

Mr. Callaghan: I am unfamiliar with the oil problem, but it must test at 90% or better.

Mr. Horwege: Do you buy it from the Standard Oil, or where?

Mr. Callaghan: I am not prepared to tell you that. It is immaterial who we buy it from—I am not the engineer, but one of the inspectors of this work.

Mr. Horwege: We have just completed about three or four miles of macadam road, that is, of the oil style, but we have no results to report, because we have just about finished, and we don't know just what it is going to do or anything else about it. But we use 90% asphalt oil from the Standard Oil Company. It is all right to use Standard Oil.

Mr. Callaghan: Yes, I think it is.

Mr. Horwege: That is what I want to know. A man from Alameda says he used the Union oil, about 70% oil, and he says that 70% oil from the Associated is better than 90% oil from the Standard.

Mr. Callaghan: I would like to state one thing further, that we are not looking for a cheap job—we are paying 14 cents a square foot.

Mr. Fitzgerald, of Los Angeles: I would like to say just one thing with reference to streets, as far as I have found them in Los Angeles. My judgment is that the best street we have is Wilshire Boulevard, and that is built of five inches of concrete as a base and two inches of Warrenite.

Q. Asphalt concrete?

The Chairman: Bitulithic pavement, Warrenite?

Mr. Fitzgerald: Regular cement concrete, it is. It has heavy teaming over it and stands up under it just right.

Mr. Givan: The discussion of oil macadam pavements from the standpoint of the city of Sacramento is merely to show the people of the smaller towns that, in order to get good results from oil macadam roads, they must employ a consulting engineer to assist in making that kind of road. The matter of oil inspection is essential, and you say 90% asphalt—that is not at all the only essential. You should have a viscosity test. Mr. Osborn, of the Highway Commission, has recently invented a machine for this test, and it is proving entirely satisfactory. You can take a 90% asphalt, and you may get a very poor street. But if you apply the viscosity test, you get something valuable.

The Chairman: Gentlemen, I think we will have to conclude this discussion. It is possible we may have a few minutes at some time during the convention later. I believe we meet again tomorrow morning at nine o'clock sharp, in conjunction with the clerks, auditors, and assessors. We will now repair to the theatre and listen to the illustrated lecture by Mr. A. J. Collins on "Water Supplies from Wells."



THE PRESENT STATUS OF THE RIGHTS OF MUNICIPALITIES ON WATER EXTENSIONS AND IMPROVEMENTS.

Address by B. D. MARX GREENE, City Attorney of Antioch and Pittsburgh, before the Sixteenth Annual Convention of the League of California Municipalities Held at Venice, California, October 6—11, 1913.

This topic naturally falls under three main heads:

- (1) *The right to compel extensions of service;*
- (2) *The right to compel betterment of service for Domestic Use;*
- (3) *The right to compel betterment of service for Fire Protection Purposes.*

I will briefly take up each of these subjects in their proper order.

I.

Before Section 19, Article XI of the Constitution of the State of California was amended in 1911, the relation of the municipality towards the water company was comparatively simple. If the city did not own its water works, a water company had under the Constitution the right to use the public streets without obtaining a franchise from the city. The only control that the municipality had over the company was its right to make general regulations for damages in the tearing up of the streets and its duty to fix rates annually which was made mandatory by Section I, Article XIV of the Constitution. After the Constitution, however, was amended in 1911, public service corporations were no longer given the constitutional right to use the public streets without a franchise.

The Appellate Court succinctly quotes the law in *Lukrawa, et al. vs. Spring Valley Water Company*, 15 C. A. D., 795, where it says:

"It will thus be seen that public service corporations have no longer any legal right to use the streets of a municipality which they did not occupy prior to the constitutional amendment of 1911, and that such corporations may now extend their service into new territory in and along the streets of a municipality

only upon securing a franchise from the municipality for that purpose."

Now it is a general principle of municipal corporation law as also stated in the *Lukrawa* case:

"that a water company, committed by its charter to the public service, is in duty bound to serve the whole public; and that when necessary to such service the company's existing mains must be gradually extended so as to keep pace with the growth of the community which the company has undertaken to serve."

But when the Constitution was amended, the situation became very complex. The *Lukrawa* case was a petition for a writ of mandate directed against the Spring Valley Water Company in San Francisco to compel it to extend its mains through a portion of the city which it was not then serving and had refused to serve. The court there said that if the company had no right to voluntarily go into a street in which it had not laid its pipes before the Constitutional Amendment, no court could now compel it against its will to go into that street.

We have, then, this definite principle that a water company having no franchise granted by the legislative body of a municipality has now no right to enter upon any street in which it had no pipes prior to October 10, 1911, the date of the adoption of the Constitutional Amendment. So much for extensions of existing service.

II.

In regard to improvements of existing service, which do not contemplate extensions into new territory, there seems to be no doubt, judging by the recent decisions of the Railroad Commission, that upon proper complaint filed with that body, a municipality or any citizen may obtain redress against a water company which is not furnish-

ing service adequate for domestic uses. By domestic uses I mean water for consumption as distinguished from water for fire protection purposes. If a pipe in a street is of insufficient size to furnish enough water for ordinary household use, the Railroad Commission can order the company to put in such equipment as will adequately supply the demand. To accomplish this, they cannot, however, compel the company to install service pipe in a street not already occupied by the company. They can only order the betterment and improvement of existing service.

III.

In regard to betterments for fire protection purposes, we have before us a subject which is very broad and comprehensive and in relation to which the recent decision of the State Railroad Commission in the case of *Lewis vs. Peoples Water Company* has set a far-reaching precedent. In order to get a clear grasp of the subject and a concrete point from which to commence, it might be as well to review the state of facts brought out in that case. In a recently published report by the City Club of Berkeley, voluminous statistics were produced showing that the water company supplying the county of Alameda maintained in its distributing system 47% of mains of a size of two inches and under. Naturally, under such conditions, there has been for many years grave complaint relative to the quantity of water available for fire protection purposes. As a culmination, early this spring at a fire in the hilly east section of Berkeley, two houses were totally destroyed owing to lack of water with which to fight the flames. It was necessary for the fire department to pump from a six-inch main for a distance of twenty-five hundred feet and to an elevation of three hundred feet. Under such circumstances great delay ensued, and it was impossible to obtain more than one stream of water. If the two-inch pipes nearer of access to the fire had been larger in size there would have been plenty of water and slight loss. On this given statement of facts I filed a complaint with the Railroad Commission, asking that an order be made requiring the defendant to install and

maintain for fire protection purposes a six-inch main instead of the present two-inch main. The pleadings impliedly admitted that sufficient water was furnished for domestic uses, but that for fire protection purposes the supply was insufficient. The matter was thus concretely brought before the commission.

The water company being already in possession of the street, I was not asking an extension of service, but merely an improvement. By consent it was stipulated that if the improvement could be ordered, jurisdiction so to do lay in the Railroad Commission. There had been grave doubt about the question of jurisdiction as the Berkeley Charter contained a provision that the City Council should have the right to regulate the size and location of water mains. The Public Utilities Act says that the Railroad Commission is vested with power over service, equipment, etc., unless that power has been vested in the municipality under its charter or its police power. My contention is that the above section of the Berkeley Charter is unconstitutional (and also the like sections of any city charter adopted before the Constitutional Amendment) and as the question did not really concern the merits of the case, both sides agreed that it should not be considered. But I wish to call the matter to your attention in passing as it is liable to arise in some future case.

The Railroad Commission finally decided that neither it, nor by implication any other body, has the right to order a water company to enlarge its mains for the purpose of furnishing fire protection. The opinion was handed down by Commissioner Thelen and is a very well considered collection of all the authorities and covers sixteen full typewritten pages. I shall attempt to give you a very brief resume of his reasoning, and in language as untechnical as possible. The crucial point, as I gather from his opinion, is that our Court of last resort has definitely decided that a water company cannot be held liable for damages for a fire caused by lack of water unless there is a specific contract between the water company and the consumer under which the water company agreed to furnish adequate fire protection; therefore, there cannot be a duty to have the water

on hand if there is no liability for breach of that duty. In the celebrated case of *Nichaus Brothers Company vs. Contra Costa County Water Company*, 159 Cal., 305, an action was brought to recover damages against the defendant water company for an alleged breach of contract to supply water to the plaintiff's premises for fire protection. Plaintiff alleged that its planing mill in West Berkeley had been destroyed by the failure to furnish sufficient water for fire protection and recovered a large judgment in the court below. The Supreme Court reversed the judgment, on the ground that there was no contract between the parties for the supply of water for fire protection purposes sufficient to justify a recovery.

The Court first finds that there was no express contract between the parties. Plaintiff then contended that an implied contract arose from the fact that plaintiff had installed fire hydrants and that under an ordinance of the city of Berkeley, 50 cents per month was payable from plaintiff to defendant for each of said hydrants. The plaintiff claimed that the ordinary relation of public distributor of water and consumer was sufficient, under the ordinance, to impose upon the defendant the obligation to supply it with water for fire protection. Referring to this point, the Court says at page 316:

"No liability such as the plaintiff claims was ever contemplated where the only relation shown is such as proceeds from the fact that the water company has undertaken to furnish the inhabitants of a municipality with water, has connected its mains with the premises of a consumer, and is charging ordinance rates for the water supplied or to be supplied."

Again, at page 317:

"It would appear that in the nature of the situation itself no obligation, implied or otherwise, to have constantly on hand a supply of water for fire protection could arise."

The Court then continues as follows:

"While it is to be presumed that the rates established by a municipal ordinance are fair and reasonable,

this presumption only applies as far as such rates fix the compensation to be paid the company for furnishing water to consumers as a commodity. They are not fixed as a consideration under which the company obligates itself to furnish water for the extinguishment of fires with a corresponding liability for failure to do so. And it is from the fact that under the ordinary relation of public service corporation and consumer that the only duty of the company is to furnish water as a commodity and not for the purpose of extinguishing fires that liability for damages for failure to supply it for the latter purpose can only be created by express contract."

The Court then, at page 317, refers to the well established rule that a property owner has no right of action against a water company under its contract with a city to supply water to public hydrants for the protection of his property, although his loss may have been occasioned by the negligent failure of the company to have on hand a supply whereby the loss might have been prevented.

Continuing, the Court says at page 318:

"Applying the reasoning of these authorities to the relation between the company and the consumer here, it is apparent that from that relation no obligation to furnish water for fire protection is implied, nor can it be said to exist in the absence of an express contract."

Referring to the question of the increased rates which would have to be paid if water companies assume to protect against fire, the Court says at page 319:

"In the nature of things, the compensation fixed by the municipality has no relation to the assumption of any such liability; that compensation is based on the expense of furnishing water simply as a commodity; liability for destruction of premises to which the company may be required to supply water was not taken into consideration in fixing the rates, nor, we apprehend, was it even thought that any such liability

could be imposed by the ordinance, or was to be assumed by the company in doing so."

Referring to the contention that a contract arose from the fact that the water company charged the monthly ordinance rates for the hydrants installed upon plaintiff's premises, the Court says at page 320:

"But these were not paid by reason of any contract between it (plaintiff) and the defendant. If a voluntary contract had been made between them under which a stipulated monthly sum was charged plaintiff by defendant for connecting its mains with the hydrants of the plaintiff, it might reasonably and plausibly be argued that fire protection was contemplated as the only advantage to be derived therefrom. Here, however, there was no such contract. While the municipality has the constitutional power to fix the rates at which a water company may supply water to its inhabitants, this applies only to the establishment of rates for the supply of water as a commodity, and while it may contract with the company for general protection against fire of the property of its inhabitants and expressly contract for protection of its own municipal property, it has no authority to arbitrarily impose upon a water company liability for the destruction of the property of the individual citizen on account of an inadequate water supply by simply fixing an ordinance rate for hydrants which the citizen may install upon his premises."

The Court then refers to the enormous liability which a water company would be compelled to assume upon the plaintiff's theory without any adequate consideration and concludes at page 322, that the only relation shown to exist between the plaintiff and defendant was that of a water company engaged in distributing water for public use to a consumer who had availed himself of his legal right to have the company connect its water system with his premises for the purpose of furnishing him with water solely at ordinance rates, fixed by

the Town of Berkeley, and that under these circumstances,

"no liability is imposed by any statute of this State upon such public service company for failure, from whatever cause, to have a supply of water available on the premises of the consumer for use in fire protection, although he may have installed ample facilities for that purpose, and no legal liability for such failure, independent of the statute, is implied from the relation; that such liability can only be created by contract between the parties under which the water company expressly assumes the liability."

As no contract was proven, the plaintiff was held to have no right to maintain the action.

My contention in response to this case was that under Sections 13 (b) and 42 of the Public Utilities Act the Railroad Commission had the right to make it the duty of the water companies to supply sufficient water for fire protection purposes. Those sections read as follows:

"Sec. 13 (b). Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable."

"Sec. 42. The Commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public utility to maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signalling, to establish uniform or other standards

of equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.'"

Commissioner Thelan, however, in his opinion says that he cannot find in those sections any intention to impose upon the water company a duty with reference to fire protection which did not exist before the enactment of the Public Utilities Act. He says that the effect of these sections is not to add to the duty of a water company with reference to fire protection, but rather to declare that a water company shall perform its full duty to the public in all respects in which it is under obligation to the public, and to state that the Railroad Commission may enforce the performance of those duties.

I also contended that the Niehaus case was not applicable in that we did not demand that the water company by making the improvement should be considered the insurer of property. I claimed that the company could be compelled to put in larger mains and install hydrants and then, by order of the Commission, be made to furnish such water as was available. If sufficient water was not there in case of fire no liability for actual damages should rest upon the company; but if it had not complied with the order of the Commission in turning water from certain reservoirs into those pipes, then the company would have to answer for disobeying the Commission. But the Commission says that in the absence of a liability, it is difficult to find a duty, and if the company cannot under the law be held liable for damages if it does not have enough water in the pipes, then certainly neither the Commission nor any other body has the right to order it to have that water in the pipes. And yet it is very hard to reconcile the Commission's language in this case with the acts of the Commission in other cases where it has ordered extensions and improvements in water service for domestic purposes. No one contends that the company is liable for damages if it fails to obey the Commission's order to install improved service for domestic uses, but it must face the penalties prescribed by the Public Utilities

Act. Why, then, cannot an order of the Commission be made just as appropriate in cases of improvements ordered for fire protection purposes? I cannot do better in closing than to quote you verbatim the concluding portion of the order in which the Commission discusses the general aspect of the case, and the way in which it will be possible for the municipality to solve this very grave question. The Commission says:

"If the conclusions herein stated are correct, we are confronted with the practical question as to how an individual is to secure adequate fire protection for a house located in outlying sections of a territory supplied by a water company, in which the size of the mains and the pressure are not sufficient to furnish adequate fire protection. In some of the cases the Courts have suggested that a loss by fire may be guarded against by insurance, and that the collection of the insurance, if a fire results, is an adequate remedy. While such remedy may seem adequate in law, it will afford little comfort to a person who is compelled to stand helplessly by and see his property destroyed.

"The desired fire protection may, of course, be secured by contracts with water companies on the part of municipalities and individuals, in case the water companies are willing to enter into such agreements. Such conditions as may be deemed necessary may doubtless be inserted in charters and franchises and become operative as to water utilities hereafter entering the field, but this procedure could not be availed of as to companies now operating under existing charters and existing franchises not containing the desired conditions.

"San Francisco and Oakland, and possibly other cities in this State, have, at public expense, installed auxiliary fire protection systems. It may be that other cities in California will find such a course to be the solution of the difficulty with reference to fire protection in cases in which the existing water plants do not in connection with their domestic service supply facilities and water sufficient for fire protection purposes. When a city installs a fire protection system it acts under the same theory under which it acts when it installs adequate police

protection. In either event, it acts in pursuance of its public safety and general welfare.

"Ownership and operation of the existing water plants by the municipalities will not in and of itself provide the desired remedy, for the reason that it has been universally held that a municipality owning and operating its own water system is not liable in damages for destruction of property caused by the failure of the municipality to supply adequate facilities and water for fire protection purposes. See *Town of Ukiah vs. Ukiah Water & Improvement Company*, supra, at page 178, where a large number of authorities are cited."

How then are we going to tackle this problem? The public service corporation owes a certain duty to the municipality. Some people may say that it would bankrupt many of the water companies to be compelled to enlarge their plant to a size sufficient to afford fire protection. My answer to them is that

no firm or corporation has any right to engage in the business of furnishing a public commodity to a municipality unless it has resources behind it sufficient to serve that commodity in a proper manner. If it is compelled to enlarge its plant and give better service and the municipality refuses to make each year rates adequate to pay interest on the increased investments, the utility always has the protection of the court and may throw about itself the mantle of the Federal Constitution which provides that no man's property shall be taken without the due process of law. We have reached a grave crisis which means either municipal ownership or extensions and betterments of the existing service of private corporations. My own conclusions on the subject are that proper legislation should be enacted by the next Legislature dealing specifically with this very important problem, or, if that will not offer us a remedy, then the People should solve it by Constitutional Amendment. (Applause).

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RECENT DECISIONS OF THE PUBLIC UTILITY COMMISSION (RAILROAD COMMISSION) OF CALIFORNIA OF INTEREST TO MUNICIPALITIES

NOTE—Copy of any decision may be secured by sending 5 cents to Charles D. Detrick, Secretary, 833 Market Street, San Francisco.

New Freight Depot.—Held, that the present freight depot of respondent at Burlingame is inadequate and inefficient; defendant required to submit, within sixty days, plans for an adequate depot to be situated in a more advantageous location. *San Mateo and Burlingame Merchants Association vs. Southern Pacific Company, etc.*, No. 1121.

New Gas Rates.—Held, Applicant authorized to establish a new rate schedule for gas service containing certain slight increases and decreases in territory adjacent to Visalia, Tulare, Porterville, Lindsay and Exeter. In re application of Central California Gas Co. No. 1122.

Increase in Water Rates.—Held, That the present rates of defendant are insufficient to produce a reasonable return on plant investment. Compensatory rates prescribed. Held, that defendant be required to install all meter and service connections at his own expense. *City of Eagle Rock vs. Eagle Rock Water Company*, No. 1133.

Authorizing Service.—Held, that public convenience and necessity require the exercise by Great Western Power Company of the rights and privileges granted to said Company by the City of Oakland in Ordinance No. 477 N. S. No. 1141.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Bond Money—changing use (Wash.).—County commissioners authorized by Rem. & Bal. Code, § 3890, to construct county buildings, held authorized, after adoption of a resolution therefor, to construct a smaller building than that shown by letters and photographs circulated among the voters before election. *Kelly vs. Hamilton*, 136 P. 1148.

In the absence of fraud, the decision of county commissioners, charged by statute with the construction of courthouses, as to the character of courthouse needed, held final.—Id.

Compensation Act (Wash.).—The title of the Workmen's Compensation Act of 1911 held sufficient to cover a provision abolishing the right of the employees to recover for negligence against all persons, including individual officers of the employer corporation as well as against employers. *Peet vs. Mills*, 136 P. 685.

(Wash.).—Where the general statute permitting recovery for death by wrongful act and the Firemen's Pension Act, Laws 1909, c. 50, § 8, are both applicable, the remedies are separate and not cumulative, so that recovery under one would bar recovery under the other. *Longfellow vs. City of Seattle*, 136 P. 855.

The adoption of one remedy by one having the choice of several remedies bars his right to invoke another remedy.—Id.

Dedication, revoking (Nev.).—Where there is nothing beyond the owner's declaration, and there is no acceptance thereof by the public, the dedication may be revoked at the pleasure of the owner. *Shearer vs. City of Reno*, 136 P. 705.

If nothing beyond a declaration is made, and no interest in the property is acquired by the third person, the dedication may be recalled at the pleasure of the owner; but, where contracts are made upon the supposed appropriation, the dedication becomes irrevocable.—*Id.*

No formal acceptance of a dedication by the public authorities is necessary to preclude the original owner from revoking it, although the formal acceptance by the public authorities may be necessary to impose upon them the duty of protecting the property, and keeping it in a condition to meet the uses intended. *Shearer vs. City of Reno*, 136 P. 705.

Licenses—Interstate Commerce (Idaho).—Where a statute is unconstitutional as applied to a certain class of business, and constitutional when applied to another, it presumably applies only to the latter class. *Northern Pac. Ry. Co. vs. Gifford*, 136 P. 1131.

A license tax imposed on a foreign corporation engaged in both interstate and intrastate business must be so imposed upon the intrastate business as not to impair the corporation's right to continue to carry on its interstate business.—*Id.*

Local Assessment—Invalidity (Or.).—Where there is an entire lack of jurisdiction to order the improvement, a property holder is not estopped from asserting the invalidity of the proceedings by reason of having failed to assert their invalidity before the work is completed. *Dyer vs. City of Bandon*, 136 P. 652.

Municipal Credit, Loan of (Wash.).—Issuance of warrants by municipal corporation to contractor to be later exchanged for bonds when issued held not a loan of the municipal corporation's credit to the contractor in violation of the constitutional provision. *Washington-Oregon Corporation vs. City of Chehalis*, 136 P. 681.

Rate Fixing (Wash.).—Under Public Service Commission Law, §§ 54, 80-82, the question of the Commission's entering on an inquiry on its own motion, as to the reasonableness of a proposed increase in a rate or on an inquiry, instituted at instance of another, beyond the evidence brought by the complainant and the company, is one of discretion in the Commission.—*Id.*

The burden of proof as to reasonableness of a proposed increase of rate on an inquiry by the Public Service Commission, at instance of another, is not on the company; the proposed rate not being judicially unreasonable, and the rate changed not being one previously fixed by the Commission, so as to be governed by Public Service Commission Law, § 84. *State vs. Public Service Commission of Washington*, 136 P. 850.

Schools and School Districts (Okl.).—Resident taxpayers of a school district have no such special interest as entitles them to enjoin the officers of the district from discharging a teacher. *Greer vs. Austin*, 136 P. 590.

Sidewalk Defective—Damages (Wash.).—In an action by one injured by a fall on a sidewalk which was at a grade of about 13 per cent, the court cannot as a matter of law hold that the municipality was negligent in laying it without cleats. *Dougan vs. City of Seattle*, 136 P. 1165.

Street Opening Assessment (Wash.).—An assessment of benefits for the opening of streets which took part of appellant's land is arbitrary and excessive, where the benefits assessed were three times those assessed against the land directly opposite. *In re City of Seattle*, 136 P. 488.

Street Railroads, Regulation of (Cal.).—A city may, by general ordinance, prescribe reasonable regulations under which street railroad companies shall operate their cars, and a violation of such regulations, where they fix the rate of speed, is per se evidence of negligence rendering the company liable for any injury occasioned by the violation. *Simoneau vs. Pacific Electric Ry. Co.*, 136 P. 544.

(Or.).—A city failing to require a street railroad company to maintain approaches to crossings sufficient to protect the public, and in not seeing that proper barriers were placed along the tracks where injury was possible, was liable to a traveler, who was injured in consequence thereof. *City of Astoria v. Astoria & C. R. R. Co.*, 136 P. 645.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

Fire Department, creating. Burlingame, 296-h, 300-E.

Garbage and Manure, regulating the removal and keeping of. Stockton, 297-A.

Public Parks, regulating use of. San Diego, 297-C.

Annexation, declaring certain lands annexed. Coeur D'Alene, 298-A.

Muzzles on dogs, requiring. Los Gatos, 298-C; Sebastopol, 302-A.

Cigars, cigarettes and tobacco, regulating sale. Whittier, 299-A; Berkeley, 309-d.

Water meters, regulating size of. Whittier, 299-b.

Dogs, regulating the keeping and handling of. Burlingame, 299-E.

Municipal water system, regulating. Burlingame, 300-A.

Asphalt pavement, providing for the protection of. San Fernando, 300-b.

Assistants to city engineer, providing for the employment of. Santa Cruz, 300-C.

Electricity, regulating distribution and sale. Centralia, 301-A.

Inspection of meat and meat products, providing for and prohibiting the sale of certain kinds and providing for condemnation. San Mateo, 301-C.

Sewer connections, making failure to connect a misdemeanor. Sebastopol, 302-b; Burlingame, 306-C; Winters, 306-E.

Billboards, dodgers and signs, regulating. Red Bluff, 302-C.

Compensation for death or injuries to employees, providing for the payment of. Berkeley, 302-E.

Use of public streets for all purposes, regulating. Winters, 303-A.

Regular meetings of trustees, fixing time. Albany, 303-f.

Billiard rooms and skating rinks, regulating and licensing. Santa Paula, 304-A.

Traffic on streets, regulating. Oakland, 305-a.

Industrial districts, establishing. Minneapolis, 307-a.

Numbering system for houses, providing. San Diego, 307-d.

Local improvements, confirming assessment roll. Coeur D'Alene, 309-C.

Junk and second-hand dealers, requiring a daily report from. San Diego, 309-f.

COUNTY ORDINANCES.

Spraying and fumigating trees and vines, regulating the business of. Orange County, 298-b, 301-b.

County roads, preventing injury to. 309-E.

Protecting districts against overflow, providing for the organization and government of Monterey County, 310-a; Santa Cruz County, 311-a.

∴ What Our Pacific Coast Cities Are Doing ∴

Aberdeen (Wash.) may call an election to vote on the proposition of installing a municipal water plant and electric light system.

Bay City (Ore.) has issued \$15,000 bonds for street improvements. During 1914 the following improvements are to be made: Construction of Tillamook Bay Jetty and dredging of channel to Bay City at cost of \$814,000.

Bellingham (Wash.) received bids January 5 for the improvement of the boulevard by the construction of paving, curbing and gutting.

Berkeley will hold a bond election February 21 for \$1,080,000 for grammar schools and \$240,000 for high schools. Bids were received January 13 for the construction of reinforced concrete storm sewers, manholes and appurtenances in the vicinity of Virginia Street. A \$1,000,000 bond election will soon be held for harbor improvements. Bids were received January 27 for placing a wire fence around San Pablo Park. Resolution of Intention has been passed for the improvement of Grove Street by the construction of curbs, gutters, culverts and paving.

Boise (Idaho) city council are in favor of sewerage South Boise at a cost of \$100,000. It is estimated the main sewer will cost \$17,698; laterals \$60,817 and laying pipe across the river \$20,689.

Bremerton (Wash.). Contract was awarded to W. O. Bulette for 10,000 cu. yds. dirt excavation at 24c; six blocks concrete walk at \$1.00 per yd.; wood curbs and gutters at \$23.00 per M in place.

Centralia (Wash.) will have two new bridges constructed over the Shookumchuck River.

Cheney (Wash.) will shortly readvertise for bids for the construction of the State normal school.

Chico. Levees along Chico Creek within the city are being talked of.

Corona will hold a \$50,000 bond election February 2 for the purpose of building a grammar school.

Culdesac is contemplating calling a bond election soon to vote on \$7,500 proposition to purchase the Culdesac Water Co.'s system.

El Monte has voted \$46,000 for the construction of a municipal water system.

Eugene (Ore.) proposes to do a lot of street work during the coming year, including curbing and paving.

Eureka. Plans have been completed for constructing a \$12,000 bridge over Scotia

River, and \$50,000 bridge over Scotia near Rio Dell.

Ferndale. There is some talk of purchasing a chemical fire engine.

Fresno has passed a resolution of intention for the improvement of several streets by the construction of paving, sidewalks, curbs and gutters.

Glendora has voted \$25,000 bonds for the construction of a water plant.

Hanford will receive bids February 6 for \$80,000 worth of sewer bonds. Fire department of said city recommends purchase of 500 feet of standard hose.

Hayward received bids January 21 for improving portion of Samon Street by construction of curbs and paving with oil macadam.

Hemet has directed the city engineer to prepare specifications for a lighting district.

Hermosa Beach has awarded contract for two sections of street improvements on the Strand, consisting of walks, concrete curbs and lighting posts to Williams Bros., Redondo Beach, for \$35,963.

Hoquiam (Wash.) has passed resolution for the improvement of Bay Avenue by filling and grading roadway from 22nd to 23rd Street. Bids were received on January 14 for a garbage incinerator and destructor; estimated cost \$6,000.

Huntington Beach has voted \$35,000 for a municipal sewer system.

Imperial has awarded contract for the construction of sidewalks, culverts, curbs and paving of street to the O. & C. Construction Co. of Fullerton for \$176,619.

Kentfield is considering a proposition of bonding for \$30,000 for the erection of a school.

Kingsburg received bids January 26 for the construction of a sanitary sewer system.

Lodi may purchase an additional 6-inch pump for the pumping station to direct connections with the 75-h. p. motor now in use. Citizens are discussing street improvements. Plans were submitted January 5 for the construction of a storm sewer.

Long Beach has voted \$600,000 bonds for harbor improvements. The government will be asked to spend a like sum.

Manhattan Beach. The Barber Asphalt Co. of Los Angeles has been awarded contract for the construction of 305,171 sq. ft. of Warrenite paving, 5-inch concrete base, 2-inch wearing surface, 4-inch sidewalk, 18-inch curb, storm drains, etc., for \$84,284.

Monrovia is contemplating the installation of fire alarm system,—purchase of 1,000 feet of fire hose, and hook and ladder truck.

North Yakima (Wash.) will probably construct drainage system for draining district southwest of said city.

Oceanside received bids January 14 for the construction of an outfall sewer and septic tank of the Oceanside sewer system.

Olympia (Wash.) State Highway Commission has awarded contracts for constructing 1 3/4 miles of the Pacific Highway south of Toledo and 7.3 miles of Sunset Highway between Wenatchee and Waterville to Mohr Construction Co., Waterville, for \$19,558.

Orange is contemplating a bond election to build a city hall.

Oregon City will probably hold an election in the near future to vote \$300,000 for the construction of a pipe line to the south fork of the Clackamas River; the line will be 26 miles long.

Palo Alto is considering the erection of a gas plant. There is also some talk of paving Forest Avenue and Middlefield Road and the establishment of a paving plant.

Pasadena. Bids will soon be called for the construction of the concrete bridge called by the county authorities Huntington Terrace Bridge. Bids were received January 20 for a 150-h. p. motor, 3-phase, 50-cycle vertical induction motor. Thomas C. Breitenstein of Los Angeles was awarded contract for constructing 147,302 sq. ft. macadam, 7,145 lin. ft. concrete curb, and 29,308 lin. ft. concrete gutter and 7,000 cu. yds. excavation on Allin Avenue for \$20,061. There is some talk of extending the ornamental lighting district of the city. If extended as planned it will add nearly seven miles to ornamental post illumination mileage of the city. Manager Koerner of the municipal light plant will be asked to figure out the cost. Resolutions have been passed for the construction of posts, conduits, wires and lamps along St. John Street. Bids were received January 27 for a lot of pipe and fittings.

Pomona. It is estimated that by early spring \$150,000 worth of street improvements will be under way.

Portland city council will probably enforce the provision of the pure milk ordinance requiring the sealing of all cans of milk before shipping, in order to prevent the watering of milk. Contract was awarded the American Cast Iron Co. for furnishing 200 tons of 6-inch, 200 tons of 8-inch and 200 tons of 12-inch cast iron pipe, for \$36,276. Bids were received January 21 for 600 fire hydrants.

Redlands will receive bids February 4 for 100 or more 3/4-inch water meters with 3/4-inch couplings and a less number of 1-inch, 1 1/2-inch and 2-inch water meters. Bids will also be received on same date for one electric motor.

Redwood City. Contract was awarded James Wilson at \$41,123 for grading Ocean

Boulevard from San Pedro Creek to Montara. Contract was also awarded the same party for grading Ocean Boulevard from Colma to Edgemar, for \$28,315. Contracts have been awarded for \$144,000 worth of the road work under the \$1,250,000 county bond issue. The Federal Construction Co. was awarded contract for paving the Middlefield road, from Redwood City to the Santa Clara County line, for \$45,769.

Sacramento is contemplating a \$200,000 school building on block bounded by 11th, 12th, U and V Sts. Resolution has been passed for the improvement of portion of Third Street by grading and paving.

Salem (Ore.) is contemplating special election to vote on the proposition of installing garbage plant.

San Bernardino. The Highway Construction Co. was awarded contract for paving portion of Fourth St. at \$4,941; also contract for paving D St. from Third to Second at \$5,200. Bids were received January 5 for constructing reinforced concrete arch culvert on Fourteenth St. over Town Creek. On January 19 bids were received for 20,000 barrels of crude oil or road oil.

San Diego has voted \$645,000 bonds for the improvement of the impounding system and \$60,000 for a filtration plant. It is said that the Santa Fe is considering the erection of a \$200,000 station for said city. Plans have been prepared for a \$10,000 sewer system for Ocean Beach section.

San Francisco. Plans have been completed for the extension of the municipal street railway.

San Mateo. Clark & Henry have been awarded contract for paving lower half of San Mateo Park for about \$107,000.

San Rafael will receive bids for the installation of electroliers on the business streets.

Santa Ana has passed a resolution of intention for paving portion of East 4th St. George S. Benson & Son, Los Angeles, have been awarded contract for paving Newport Beach road, a distance of four miles. Bids were received January 5 for the purchase of two automobiles for the water department. Award of contract was made to Hart & Chamberlain, of Anaheim, for \$25,000 for improving Garden Grove road, and section of the Anaheim Stanton-Cypress road, for the county.

Santa Barbara has awarded contract for construction of 6,500 feet of sewer to Modern Construction Co. of Los Angeles, for \$16,500. Bids will be received February 2 for constructing a steel girder bridge with abutments and wing walls over the Arroyo Padaro on the Coast Highway, near Serena.

Seattle. Board of Public Works awarded contract for constructing sewers on Dayton Avenue to Sylliaasen, Sando & Peterson, at \$71,317.20.

Sonoma has voted \$30,000 for a new grammar school.

St. Helena is contemplating early building of road from Sulphur Creek Bridge to Sulphur Springs.

Stockton received bids January 6 for the construction of a vitrified clay, double-strength, 18-inch main sewer and manholes on Yosemite St. It is likely that an incinerator will be built this summer to cost about \$35,000.

Tacoma city council has authorized installation of a luminous arc lighting system for business streets.

Tulare is contemplating the paving of various streets at cost of \$30,000.

Ukiah. Bids will be received at the Court House February 3 for the construction of Section 2 of the proposed Two Rivers and Covelo Road.

Umatilla (Ore.). Plans have been completed for the construction of a waterworks system, at cost of \$20,000.

Willits property owners on San Francisco St. have petitioned for permission to lay sidewalks. Citizens are discussing the purchase of chemical engine.

Yreka has had signs put up on all roads, leading into the city, warning motor vehicles to slow down to ten miles. On the same post that bears the warning signs, are also appropriate inscriptions for visitors leaving and entering the city, such as "Yreka, Welcome to our City," and "So long, come often. Stay longer."

CALIFORNIA COUNTIES.

Colusa County will shortly call an election to vote bonds for the construction of a new Hall of Records. An election will also be called in the near future to build a concrete bridge over the lowlands between Colusa and Williams; also a bridge across the Sacramento River at Grimes and Princeton.

Contra Costa County will soon award contract for the construction of a county hospital to cost \$30,000.

Los Angeles County Highway Engineer has reported in favor of a bridge being constructed at Devil's Gate crossing of the Arroyo Seco.

Monterey County will receive bids February 3 for the improvement of a portion of Turnpike or Old Toll Road in Pajaro Road District.

Napa County citizens are in favor of bonding the county for the building of macadam roads.

Orange County received bids in January for 4,777 barrels of Portland cement and 305 barrels of asphaltic oil. Bids were received January 20 for improving road in Anaheim-Fullerton division of Orange County.

Sacramento County will probably hold an election to vote on \$1,800,000 bonds for road construction. Bids will be received February 4 for the furnishing and installing of metal furniture for the County Court House building.

Santa Barbara County supervisors are contemplating bond issue for public buildings as follows: County hospital, \$50,000; Detention Home, \$10,000. Supervisors are also considering a \$271,000 bond issue for road improvements.

Santa Cruz County. Bids will be received at Sacramento February 2 for constructing six miles of highway between Glenwood and the Summit in Santa Cruz County.

Tulare County. State Highway Commission will shortly advertise for bids for the construction of the roadway lying between Kingsburg, on the county line, to Travers, in Tulare.

Ventura County received bids January 17 for the construction of a new school building.

TRADE NOTES.

The **Graves-Spears Road Machinery Co.**, owing to a very rapid increase in business, has found it necessary to establish its main office in Oakland, where heretofore a branch office and warehouse, and where it is afforded excellent shipping facilities by water and rail. The San Francisco office will be retained for those of their many customers who perhaps will find it more convenient to call there, but all communications by letter, telegram or long distance telephone should be addressed to the main office, First and Jackson Sts., Oakland. Telephone, Lakeside 3060.



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QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Q. We are about to take up the matter of street and sidewalk work here in our city, and there are a great many residents here, who are talking narrow sidewalks, 6 foot walks on a 60-foot street, which would leave the telephone and telegraph poles and also the trees out in the street. It all seems wrong to me. Now, if in a communication to me, you can touch upon the advisability of being careful as to a wrong move, in adopting a narrow sidewalk, it will be greatly appreciated by me. I would like to read it before the Board of Trustees. As a member of the council, I am very much interested in this matter, so if you have a copy of an ordinance, that might do us any good along these lines, please send it along.

ANS. You are perfectly right in your contention that six feet is not wide enough for the sidewalk and parking space on a 60-foot street, no matter whether it is a business street or residential street. On a business street 60 feet in width the sidewalks should be at least 10 feet wide to give sufficient room for pedestrians.

In regard to residential streets I recall one ordinance adopted in a large city of 35,000 inhabitants in California which specifies a width of 28 feet between curbs on streets 60 feet in width that are less than 1,250 feet in length, 30 feet between curbs on 60-foot streets from 1,200 to 2,500 feet in length, 32 feet between curbs on 60-foot streets that are between 2,500 and 5,000 feet in length and 34 feet between curbs on 60-

foot streets that are over 5,000 feet in length. This would give them for sidewalk and parking space on each side respectively: 16 feet, 15 feet, 14 feet and 13 feet. As I mentioned above this is in a large city where the traffic would be many times larger than it is in your city, and as I am familiar with the conditions in the city referred to, I know there is plenty of room for all traffic on the roadway.

Many large Eastern cities have within the last few years torn up the cement curbs and gutters on residential streets so as to narrow the roadways and increase the parking space, thereby beautifying the appearance of the streets and decreasing the cost of constructing and maintaining the pavements. This policy is now universal throughout the country, and it has been found that roadways of the width which I have given you are amply sufficient for all streets in residential districts, unless street car lines are constructed upon them.

S. J. VAN ORNUM,
Contributing Editor.

Q. Our Board of Trustees has just been petitioned by a large number of residents within the city, asking:

"First: That you will make the conditions for conducting pool halls, billiard and card tables, bowling alleys, and all similar places, stricter than the conditions placed upon ordinary business houses, making the condi-

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tions at least as strict as the county imposed before the city was incorporated;

"Second: That you require all such places to close each evening, not later than 11 o'clock, P. M., and remain closed all day on Sunday;

"Third: That you require the moving picture shows to remain closed on Sundays."

A doubt exists in the minds of the members of the Board as to how much "regulation," such as is proposed, may be done legally. Recognizing the detrimental effects upon many who frequent such places, even in a "dry town" as this one is, there is a disposition to limit the operations of the places mentioned, provided it can be done in a strictly legal way, but not otherwise.

Can you advise us in this matter? Have you some copies of the ordinances of other cities adopted to cover this point? Can you cite to us the law in the matter?

ANS. 1. You may regulate the conduct of pool and billiard parlors, card playing, bowling alleys and such places, by virtue of your police powers. You have no such authority over ordinary business houses such as those of a mercantile character, as they are esteemed to be beneficial to the community, but over all places of amusement, where the health, safety or morals of the people

are jeopardized, you have complete power of regulation, and can prohibit business on Sunday.

2. You may require the places referred to to close up every evening not later than eleven P. M. and remain closed all day on Sunday.

3. You may require moving picture shows to remain closed on Sundays.

Authority for the foregoing opinion will be found in Vol. 38, Cyc. of Law, page 259, from which we quote the following: "A city may forbid the exhibition of moving pictures on Sunday." For cases in this State see *Ex parte Dickey*, Vol. 144, Cal. Reports, page 234; also, *Ex parte Hayden*, Vol. 147 Cal. Reports, page 649.

Enclosed you will find copy of an ordinance of South Pasadena which absolutely prohibits the operation of billiard or pool rooms. The validity of this ordinance was upheld recently by the United States Supreme Court (see Vol. 225 United States Reports). We are enclosing also a copy of an ordinance of Livermore in reference to this subject.

Robert W. Hunt

John J. Cone

Jas. C. Hallsted

D. W. McNaugher

Robert W. Hunt & Co., *Engineers*

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Kindly return the ordinances after using.

Q. The Pacific Telephone & Telegraph Company doing business in our city, makes a practice of collecting its bills in advance, and has a rule that unless each monthly bill is paid on or before the 15th day of the month, twenty-five cents is added to the amount of the bill, thus, the bill for January, 1914, is due and payable in advance on January 1st, and unless paid on or before the 15th of January a twenty-five cents penalty is added to the bill. I am of the impression that the Railroad Commissioners have ruled that this is not permissible. I am unable to find the decision, however. If you know of such a decision I wish you would send me the citation.

ANS. The Railroad Commission has not ruled on the question you have submitted. It is the practice in some places in the collection of public utility rates to make the rates due and payable about the middle of the month, and provide a 10 per cent rebate in case they are paid on the first of the month, which is practically the same thing in effect. If the penalty provided is merely in the nature of a discount for cash it is not likely that

the Commission would object, but if it is so large as to be a revenue producing measure they would probably prohibit it. You understand, of course, that the municipality would have to vote over its rate fixing powers before the Commission would have jurisdiction.

Q. We desire to tax vehicles used in the city in connection with any business. Do you not think it best to tax only such vehicles as are used in a business? The legality of such a tax was discussed at Venice, and if you know of any city that has a license ordinance drawn up along the line there discussed and suggested, which you probably remember, I would like to have same.

Also could you inform me if a poll tax is generally levied in California cities, or if it has come into disfavor and generally passed up.

ANS. In my opinion you cannot collect a license tax on vehicles, that is, in a direct manner. You will note on referring to the authority granted your municipality under the General Laws that you are only authorized to "License for purposes of regulation and revenue, all and every kind of business, etc." The Supreme Court recently held in the case

of Brammack vs. Alameda that a city might classify business by the number of vehicles used in such business; for instance, you may impose a license tax of \$3.00 a quarter on the butcher business, and an extra \$1.00 per quarter for every vehicle used in the transaction of such business. The Supreme Court held this to be a license on the business and not on the vehicles. The matter discussed at Venice was in reference to the Burlingame ordinance as to whether it involved a license tax on the vehicles or the business. San Francisco imposes a license tax on vehicles of \$6.00 per quarter, but express authority has been granted in its charter by the legislature.

So far as we can learn the collection of a poll tax is not generally favored among California cities, although a few of them impose such a tax.

Q. At a meeting of the Board last evening, there was some discussion regarding the lighting of the County road between the cities of Jackson and Sutter Creek, and the question has arisen as to whether city funds can properly be used for assisting in making such an improvement outside the city limits.

The city has not yet levied a property tax, relying so far upon licenses, etc., for revenue, but as the citizens here would be benefited by this improvement, the Board would like to have some information as to how it can be done.

ANS. Lawfully appropriate money for lighting territory outside the city limits. The cost of lighting the county road in question will have to be paid by the board of supervisors of the county, or else it will be necessary to organize a lighting district under the act of the legislature, approved March 20, 1909, (see Statutes 1909, page 551).

Q. The Board of Trustees has requested me to write to you for information regarding the boundary lines of Dunsuir. In surveying the lines on the east side of town, the lines established by stakes do not correspond with the field notes. They are both filed in the County Recorder's office. The Board wants to know which are correct, the field notes or the lines as run.

ANS. The legal boundaries of Dunsuir are those described in the "Notice of Election" on the question of incorporation, and any stakes set should be made to conform to the description of the boundaries contained in said notice.



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LIST OF RESPONSIBLE FIRMS TO BE CALLED ON TO BID FOR PUBLIC WORK OR SUPPLIES

Write for Catalogs. Mention Pacific Municipalities When Writing

This list is arranged as a guide for the accommodation of city officials where advertising for bids is not necessary.

Accountant

William Dolge, C.P.A., 311 California St., S. F.

American Rubber Mfg. Co., 408-410 Mission St., S. F.

United States Rubber Company, 50-60 Fremont St., S. F.

Asphalt Machinery

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Barber Asphalt Paving Co., S. F. & L. A.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Fire Hydrants

M. Greenberg's Sons, 225-227 Beale St., S. F.

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.

Steiger Terra Cotta & Pottery W'ks, 729 Mills Bldg., S. F.

N. Clark & Sons, 112-116 Natoma St., S. F.

Flush Tanks

Gladding, McBean & Co., Crocker Bldg., S. F.

Pacific Flush Tank Company, Chicago, New York.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Garbage Incinerators

Nye Garbage Incinerator.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.

Imhoff Tanks

Pacific Flush Tank Company, Chicago, New York.

Concrete Mixers

A. F. George Co., Los Angeles.

Barber Asphalt Paving Co., S. F. & L. A.
Parrott & Co., San Francisco & L. A.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Inspections and Tests

Robt. W. Hunt & Co., 418 Montgy. St., S. F.
Smith, Emery & Co., 651 Howard St., S. F.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.
American Engineering Corporation, 57 Post St., S. F.

Burns & McDonnell, Riverside, Cal., K. C., Mo.

Roberts & Denicke, Sheldon Bldg., S. F.
S. J. Van Ornum, 960 Pacific Bldg., S. F.

Municipal Accountant

William Dolge, C. P. A., 311 California St., S. F.

Municipal Engineers

American Engineering Corporation, Mechanics Institute Bldg., S. F.

Burns-McDonnell, Riverside, Cal., K. C., Mo.
Sloan & Robson, Nevada Bank Bldg., S. F.
Roberts & Denicke, 461 Market St., S. F.
Smith, Emery & Co., 651 Howard St., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.

Standard Corrugated Pipe Co., S.F. & L.A.
U. S. Pipe Co., S. F.

Municipal Printers

A. Carlisle & Co., 251-253 Bush St., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Municipal Water Works

Burns-McDonnell, Riverside, Cal., K. C., Mo.
Smith, Emery & Co., 651 Howard St., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Pavement Materials

Barber Asphalt Paving Co., S. F. and L. A.
Warren Brothers Co., Los Angeles, Cal.

Dump Carts and Wagons

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Pipe

U. S. Iron Pipe & Foundry Co., 701 Monadnock Bldg., S. F.

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.
Sierra Art Eng. Co., Front & Com.Sts., S.F.

Playground Apparatus

A. L. Young Machinery Co., S. F.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.

Eureka Fire Hose Mfg. Co., 54-58 Fremont St., S. F.

Bowers Rubber Works, San Francisco.

Pumps

Byron Jackson Iron Works, San Francisco and Los Angeles.

Road Machinery

Good Roads Mach'y Co., San Francisco.
A. L. Young Mach'y Co., Fremont St., S. F.

Barber Asphalt Paving Co., S. F. & L. A.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

J. E. Ward, 353 Pacific Elec. Bldg., L. A.

Road Oil

Standard Oil Co., S. F.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Rock Crushers

Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Roofing

Barber Asphalt Paving Co., S. F. and L. A.

Roofing Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Rubber Goods

Bowers Rubber Works, San Francisco.
American Rubber Mfg. Co., 408-410 Mission St., S. F.

Sanitation Expert

Harold Farnsworth Gray, Berkeley, Cal.

Scrapers

A. L. Young M'chy Co., Fremont St., S. F.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Septic Tanks

Pacific Flush Tank Co., Chicago.

Sewer Fittings

Pacific Flush Tank Co., Chicago.

Sewer Pipe and Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.
Steiger Terra Cotta Co., Mills Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

Sewer Systems

Burns-McDonnell, Riverside, Cal., K. C., Mo.
Sloan & Robson, Nevada Bank Bldg., S. F.

Street Sweepers

A. L. Young M'chy Co., Fremont St., S. F.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Water Meters

Neptune Meter Co., S. F. & L. A.
J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.
National Meter Co., 681 Market St., S. F.

Wire and Wire Rope

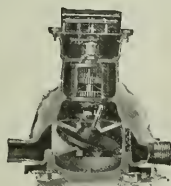
John A. Roebling's Sons Co., S. F.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Sidewalks (Cement)

Steel Protected Concrete Co., Phila., Pa.

Street Signs

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California Metal Enameling Co., Bairdstown, L. A. County, Cal.



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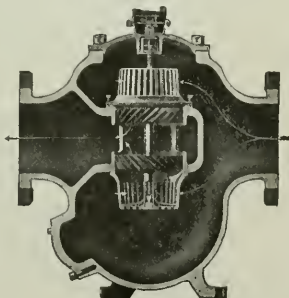
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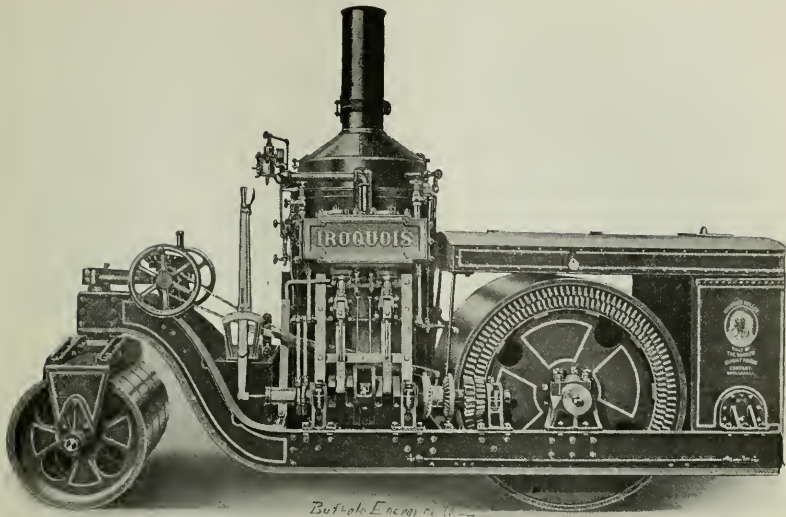
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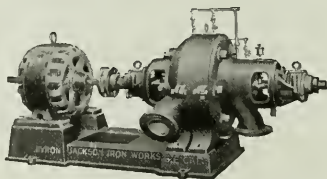
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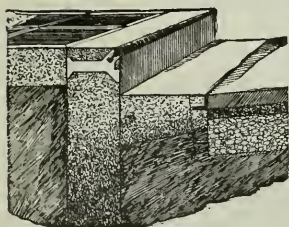
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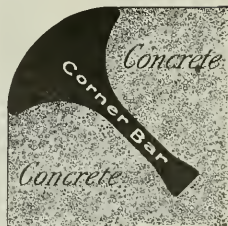
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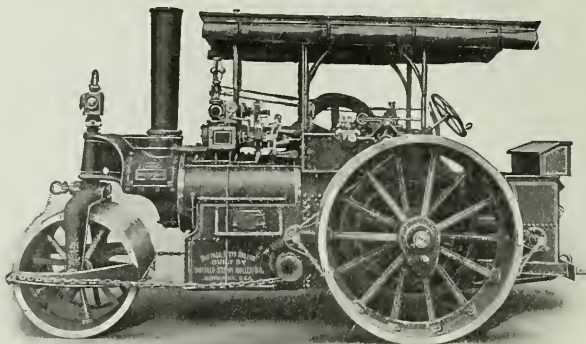
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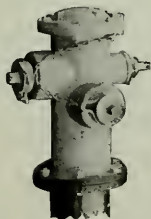
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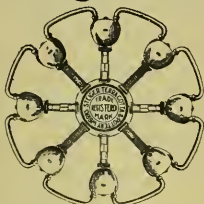
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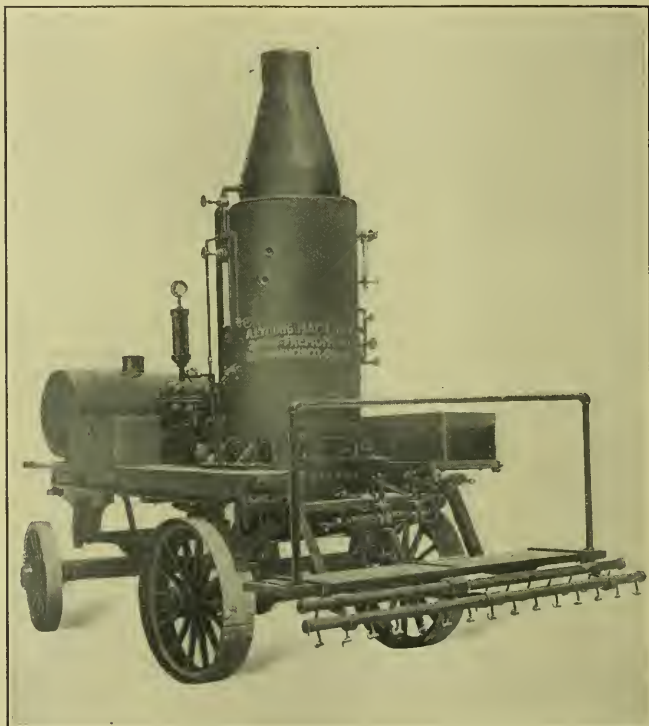
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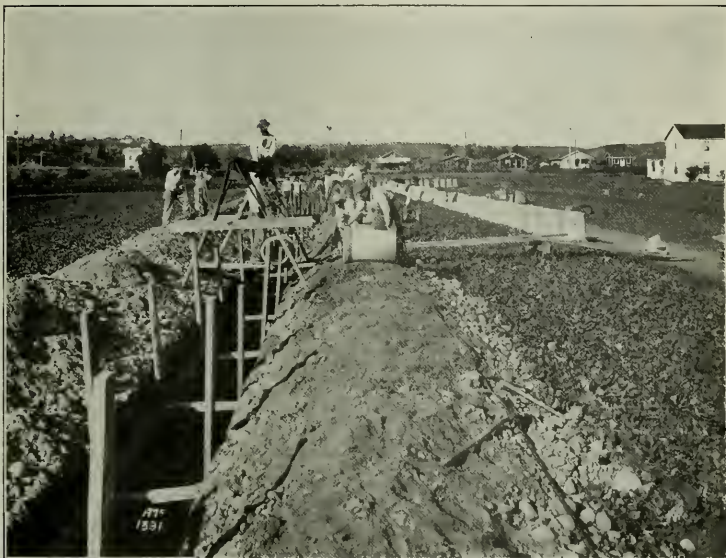
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Address by FRANK A. NIKIRK, Consulting Engineer, San Jose.

Gentlemen of the Convention, Ladies and Gentlemen:

When it was requested that a paper on this subject be presented before this convention, the invitation was accepted with no little interest in the locality that presents for your consideration two sewage plants, each of which is believed to be the first of its type in the State of California. Models of these plants have been prepared and are here

in order that those who are interested in the solution of sewage disposal problems may examine them at their leisure.

A description of two sewage treatment plants differing so widely as those at Los Gatos and College Park must touch on many of the problems in the broad field of sewage disposal. It would, therefore, be out of place to attempt a discussion of so vast a subject in a single paper of this type. The pur-

pose of this paper will be fulfilled, if, in addition to a general description of the two plants in question, a few of the factors can be shown which should govern the selection, as well as the design, of any type of sewage treatment works. With this thought in mind, then, we will take up for consideration the proposed treatment works at Los Gatos.

THE LOS GATOS PLANT.

The sewage disposal plant for the town of Los Gatos consists of an Imhoff tank, two sprinkling filters with settling tanks, and a sludge bed. The ultimate disposal of the settled effluent of the sprinkling filters will be upon a sandy flat adjacent to the channel of the Los Gatos creek, that may be used either as a slow sand filter, or for the raising of such crops as may be irrigated with the sewage effluent.

The town of Los Gatos is located on the slope of the western foothills of the famous Santa Clara valley. Its population, according to the last government census, was 2230. There is a considerable area lying adjacent to the town that is quite thickly settled. It is reasonable to expect a steady increase in growth within the next few years.

The town is making extensive improvements. A recent bond issue provided for a park site, which has been purchased, and the construction of a town hall, which is now nearly completed. The pavement of all the main streets of the town, an outfall sewer and the sewage disposal plant which is to be described here are at present in the course of construction.

Los Gatos recently purchased a tract of land lying at its extreme northerly limits that is admirably adapted for sewage disposal purposes. It is here that the plant is being built at a contract cost of \$9100. Philip Schuyler, of Oakland, is the contractor.

The Imhoff tank is in two units and is so designed that either unit may be operated separately, or so that both may be operated either in series or in parallel. It was decided to construct the tanks without covers. While covers are sometimes advisable in order to protect the sewage against excessive cold or the disturbing effects of high winds, uncovered tanks allow more careful inspection and at all times of the operation. In tanks of this type, covers are not necessary as a protection against odors.

The tanks are rectangular in form, each unit being 30 feet long by 11 feet wide and 22 feet, 6 inches deep, inside measurements. The maximum capacity of the combined units is 240,000 gallons per 24 hours.

The sewage may enter the sedimentation chambers from either end, as desired. The bottom slope on the sedimentation chambers is $1\frac{1}{2}$ to 1, so that the solid matters may readily slide down into the sludge compartment through the 9-inch slots left at the bottom. These slots are 4 inches beyond the vertical sidewalls of the sludge compartment, so that any gases that may arise from the reduction of the sludge will not enter the sedimentation chamber and disturb the liquid.

The sludge reduction chamber of each tank is divided into four separate units, each provided with sludge withdrawal pipes. The combined capacity of the sludge compartments, measured 18 inches below the slot, is 2940 cubic feet. It is estimated that these tanks will provide for storage of sludge for six months under the maximum flow for which they are designed. The time for withdrawal may be easily determined by measuring the height of the sludge in the reduction chamber.

Each compartment of the reduction chamber is provided with an 8-inch sludge withdrawal pipe through which the solid matters are drawn by gravity. The head of the outlet valve is $5\frac{1}{2}$ feet at one end of the tank and $6\frac{1}{2}$ at the other.

These tanks are separated by a central bay in which are located the pipes and valves for withdrawal of the sludge. The sludge is discharged into an open channel running longitudinally through the center of the bay, and from this channel it is carried through a 10-inch pipe to the sludge bed. The sludge drains have a slope of one foot in 30. A 2-inch water main is provided for the filling of the sludge pipes, and the cleaning of the sludge channels after each withdrawal.

The sludge is to be dried on a bed 20 feet wide by 50 feet long. The depth of the gravel in the center at the upper end is 1 foot $4\frac{1}{2}$ inches, and at the lower end is 1 foot $10\frac{1}{2}$ inches. The top layer is one-half inch of mortar sand; next is two inches of broken rock, one-sixteenth to one-quarter inch in diameter; then there is five inches of broken rock, one-quarter to one inch in diameter, and the remainder is broken rock from one inch to two and a half inches in diameter. The mortar sand on top will be largely removed with the sludge and can be replaced. The bed is underdrained by 4-inch drain tile spaced 7 feet 6 inches on centers which empty into an 8-inch collecting pipe down the center.

The effluent of the Imhoff tank will flow over a weir into the dosing tank. An automatic registering device is to be installed to indicate the flow over the weir. In the dosing chamber are two 8-inch alternating siphons which dose the sprinkling filters in rotation. They are so arranged that the maximum head on the sprinkling nozzles can be varied from 5 to 7 feet. This gives a greater flexibility in the operation of the filters.

The sprinkling filter consists of two units, each 33 feet by 44 feet, inside measurements. There are 12 nozzles in each unit, designed to spray over the perimeter of a square. The filters will have an average depth of 6 feet of filtering material when completed. The beds are underdrained with 6-inch half-pipe drains that empty into collecting galleries running down the center of each bed.

The effluent of the septic tank will be sprayed over these beds and in percolating down through the filtering material will be acted upon by the bacteria, producing a non-putrescible effluent. As a rule the effluent of sprinkling filters contains considerable suspended matter which is more or less inert, depending upon the efficiency of the filters. In the system to be used in Los Gatos the beds are to be dosed alternately, in relatively small quantities at a time, to allow a sufficient length of time between doses for the oxygen to be replenished and the aerobic bacteria to become active.

From the collecting galleries the sewage is conducted to settling basins designed to retain the suspended matter. From the settling tanks the sewage effluent flows through channels over a sandy flat, and may be used for the irrigation of crops. This flat is naturally adapted for use as a slow sand filter, and, whether crops are raised upon it or not, it should, as a final treatment, produce a high degree of purification before any of the liquid reaches the natural water course.

THE COLLEGE PARK PLANT.

Local conditions lead to the construction of an entirely different type of plant at College Park than the one which will soon be in operation in Los Gatos.

The College Park sanitary district which lies adjacent to the city of San Jose was organized in 1905. The boundaries of the district were extended in 1907 to include Hanchett Park, an exclusive residential district, and now include an area of about $2\frac{6}{10}$ square miles. At present the population of the district is slightly over 2000.

As originally constructed, the sewage disposal works consisted of a septic tank and two filter beds. The plant is located on the bank of the Guadalupe creek into which the effluent of the filters was conducted. The filters were built in a natural excavation; about 2 feet of creek gravel was placed in this. The filters were approximately 340 feet long; one was 12 and the other was 15 feet wide.

The beds were not underdrained; for this reason and also to the lack of depth of the filtering material they were never very satisfactory. They were early abandoned and the effluent of the septic tank was discharged directly into the creek.

When water was plentiful in the Guadalupe creek this effluent was not a nuisance. For the past two years, however, there have been no freshets to cleanse the channel, the growth of vegetation has been very rank and the amount of water flowing in the creek has been far below normal.

Under these conditions, with the water in the Guadalupe containing a relatively low percentage of dissolved oxygen, it can be readily seen that conditions are not very favorable for the disposal of sewage by dilution. The growth of vegetation checks the tendency toward re-aeration, and an unsanitary condition is apt to exist.

Under such circumstances it became necessary to treat the effluent of the septic tank before discharging it into the creek, therefore, a temporary plant for treatment with chloride of lime was installed while the present plant was being constructed.

A treatment plant of this type requires a supply of water with which to mix the chloride of lime; consequently, a windmill and tank was constructed over a well that existed at the end of the septic tank. The hypochlorite apparatus was located in the tank frame which was enclosed to protect the plant from outside interference, as a constant and uniform action is required.

The apparatus consists of a mixing tank and two storage tanks, each holding about 275 gallons, and a fourth tank in which are located the devices for regulating the flow. The tanks are arranged so that the flow is by gravity throughout the entire plant. Each tank is provided with an outlet through which to draw the solids that settle out of the solution.

The chloride of lime is put into the mixing tank and the tank filled with water. During the filling the solution is thoroughly mixed. The stirring de-

vice consists of a sort of propeller on a shaft, suspended from the top of the mixing tank. The shaft is revolved by a ratchet device operated by moving a lever backward and forward.

After mixing, the solution is allowed to stand sufficiently long to let the greater portion of the suspended matter settle. The clear liquid is then drawn off into the storage tanks through an outlet arranged 6 inches above the bottom, so as not to disturb the settled solids. More water is then turned into the mixing tank and the insoluble residue is stirred up and flushed into the outlet sewer. The operation is then repeated.

At the College Park plant three "batches" are mixed each morning for a 24-hour run. The third "batch" is drawn slowly from the mixing tank and into the storage tanks as the latter are being emptied. This method was adopted in order to use the maximum quantity of water, the greater flow being more easily regulated.

In small installations, irregular flow of the solution is common, due to the clogging of the measuring orifice by imperfectly settled solutions, or by flakes of calcium carbonate being formed in the solution tanks by the absorption of carbon dioxide from the air.

In this particular installation the solution flows from the storage tanks to the regulation tank and is controlled by a float valve which keeps the liquid in the latter at a constant height. In the regulation tank is a half-inch brass tube extending from above the surface of the liquid down through a large rubber stopper in the bottom of the tank. In the side of the tube is a 3/16-inch hole which admits the solution. The rate of flow depends upon the head of water upon the orifice, and the desired rate may be obtained by raising or lowering the tube through the rubber stopper in the bottom of the tank.

From this tank the solution is carried through a 4-inch vitrified pipe line to the outfall sewer where it mixes with the effluent of the septic tank.

The sterilizing action of chloride of lime is very ably set forth by Professor Charles Gilman Hyde in a paper pre-

sented before the Fourteenth Annual Convention of the League of California Municipalities at Santa Barbara in 1911 and entitled, "The Sterilization of Water Supplies by the Use of Hypochlorites." While Professor Hyde's paper refers particularly to the protection of water supplies, the action of hypochlorites is analogous in the purification of water supplies and sewage effluents. In both cases hypochlorous acid is formed which gives up its oxygen in the presence of organic matter, oxidizing the organic matter.

In designing disinfecting apparatus one of the important factors to be dealt with is the fact that calcium hypochlorite exerts a very strong corrosive action upon wood and most metals. In some cases the tanks are lined with cement mortar laid on metal lath; in others a resistant paint is used. The pipes should be well galvanized and the valves should be bronze. The plant should be well ventilated as the dust arising when the drums of chloride are opened, and during the making of the solution, is very irritating to the eyes and the membranes of the head.

GENERAL SUMMARY OF SEWAGE PROBLEMS.

Touching briefly on the matter of solving sewage problems, the first step to be considered is the making of a careful study of local conditions. The geographical and topographical features of the country, the proximity of streams or bodies of water, and the possibility of the creation of nuisances are all points affecting the selection of the proper methods of disposal.

The second step is the selection of the proper type of plant—namely, the one that will produce the desired results most economically, under the existing conditions.

The third step is the design and construction of the works; the fourth is the proper operation of the system when completed.

The selection of the type of plant, as well as its design and operation requires a knowledge of the nature and composition of the sewage to be treated, and a knowledge of the chemical and bacterial action that takes place during the purification process.

In this country sewage is collected almost entirely by what is known as the "water-carriage" system. It has been called the "spent water supply" of a community. It contains such household wastes as are removed by water carriage in underground channels, and is supplemented, in some instances, by street washings and industrial wastes.

When the sewage first enters the sewer pipes, most of the organic matter is in suspension and the water generally contains a considerable supply of oxygen. As it is carried on through the sewer mains, more and more of the solids are taken into solution, and the organic matter readily seizes upon the oxygen present. As long as there is a small amount of oxygen present there is little opportunity for offensive odors, but when the oxygen is exhausted, putrefaction sets in.

The first step in sewage purification is generally the separation of the solids from the liquids; it can readily be seen, therefore, that the sooner the separation is made, the more readily suspended matter can be removed. It is further evident, that if this separation can be made before the supply of oxygen is exhausted, there should be no offensive odors.

The mechanical separation of the solids from the liquids is generally effected by screening, or by subsidence in specially designed tanks. In the latter case, which is the most generally adopted, the tanks may be either sedimentation tanks, ordinary septic tanks, or the two-story tanks in which the sludge is retained in the lower, or reduction compartment, while the liquids pass off in a relatively fresh state. Of the latter type, the Imhoff tank as shown here, is an example.

In these tanks, the sludge reduction is more complete than in either of the other types mentioned, and the resulting product is very inoffensive. The treatment of the sludge is a problem that is often given too little attention in the design and operation of sewage disposal works. No plant should be constructed without proper means of withdrawal and subsequent disposal of the sludge.

The liquids from any of these tanks contain organic matter in solution and finely-divided suspended matter as well as many bacteria. The fundamental principles underlying all treatment processes is the supplying of oxygen in sufficient quantities to oxydize the organic matter.

Oxidation may be secured by allowing the liquids to enter a stream of running water of sufficient capacity to furnish the required amount of oxygen. In this sense, the term "capacity" does not refer to the volume of the stream, alone, but is dependent upon several factors; chief among these factors are the amount of available oxygen in the streams, and its physical characteristics which affect the formation of deposits, and also affect its possibilities of re-aeration. In a slow-moving or sluggish body of water, the suspended matter is deposited very readily, while the possibility of purification through re-aeration is practically negligible. The minimum tendency to form deposits and the maximum re-aeration occurs in shallow, swiftly-flowing streams.

An excellent article on this subject appeared in "The American Journal of Public Health" of June, 1913; the title of the article is "The Chemical Measure of Stream Pollution and Specifications for Sewage Effluents." The author, Earle B. Phelps, classifies stream pollution as caused by sewage disposal under three heads, namely:

- (1) Bacterial nuisance, which may endanger public water supplies, or shell-fish layings.

- (2) Nuisances of a purely physical character due to the deposits of suspended or precipitated matter.

- (3) Nuisances such as unsightly conditions and unpleasant odors arising from the exhaustion of the natural purifying powers of the stream.

The third is considered the most common and most undesirable type of nuisance which occurs in polluted water.

A comprehensive discussion of the nuisances arising from the deposits of sewage solids along the banks or bed of streams is presented in a paper by Langdon Pearse, of Chicago, and read

before The American Public Health Association in Washington, in 1912.

In nearly all cases it is desirable to remove the solids from the sewage before discharging into the stream by some sort of tank treatment. Many times the stream is not of sufficient capacity to properly assimilate the effluent from the tank and it becomes necessary to partially purify the effluent before allowing it to enter the stream. The amount of oxidation or purification required depends upon: (1) the type of nuisance it is desired to overcome; (2) the condition of the stream.

Generally the oxygen is supplied either by means of the addition of certain chemicals such as chloride of lime, or by the bacterial action in one of the various types of filters. Of the filters, probably the intermittent sand filter ranks first from the standpoint of efficiency. This type requires a rather large area and the cost is often excessive, and sometimes suitable land is not available. The development of the coarse grained filters which operate at much higher rates has very largely superseded the slow sand filter. Of these the sprinkling filter operates at the greatest rate.

This type of filter consists of beds of broken stone or gravel from 6 to 10 feet deep over which the sewage is spread from either fixed or movable jets. The liquid percolates down through the beds where the organic matter becomes oxidized by aerobic action.

Next to the sprinkling filter, from a standpoint of capacity, comes the contact bed. In this type, the bed of stone is filled with the liquid and allowed to remain full for a short time and then emptied and allowed to remain empty. The greatest efficiency of these filters is obtained when two or more such beds are operated in series.

The main province of the sprinkling filter and the contact bed is to produce a stable and non-putrescible effluent. When greater purification is necessary it is advisable to give subsequent purification, either by means of hypochlorite treatment, or by means of the slow sand filter, when that method is available.

SOME IMPORTANT FEATURES IN THE DESIGN AND OPERATION OF TWO-STORY SEDIMENTATION AND SLUDGE DIGESTION TANKS OF THE IMHOFF TYPE.

By CHARLES GILMAN HYDE.

Introduction.

LITERATURE OF SUBJECT.

The history and leading features of design and operation of two-story sedimentation and sludge digestion tanks have been fairly well exploited in recent engineering and sanitary literature (see references attached hereto). Nevertheless there are many problems which have not been completely worked out as yet and which will require careful consideration and study. Furthermore, much of the best of this literature is not readily available to the average city official and engineer who is called upon to consider matters of sewage treatment and disposal. In this discussion it is assumed that the reader is reasonably familiar with the typical features and the main principles and mode of operation of Imhoff tanks.

REASONS FOR PRESENT DISCUSSION.

The climatic conditions in California have apparently developed certain special problems in the preparatory treatment of sewage in Imhoff tanks, as well as in septic tanks of the older Cameron type. Recent experience has demonstrated the need of more careful design as well as painstaking operation. Unfortunately, careful attendance and wise operation have not as yet obtained in connection with any Imhoff tank installation in California of which the writer is aware. For this reason it has been deemed important to summarize at this time the main conclusions with respect to certain features of design and operation which appear to be warranted by experience, both in general and in particular under California conditions.

In a paper prepared by the writer for Pacific Municipalities (see the September issue), certain fundamental considerations applying to the preparatory treatment of sewage were offered and a brief reference was made to recent experience in the operation, usually with-

out proper supervision, of two-story Imhoff tanks and single-story tanks of the ordinary Cameron type in California.

NECESSITY FOR CAREFUL OPERATION.

At the Santa Barbara meeting of the League of California Municipalities (held in October, 1911), the writer had occasion to make the following statements with reference to the operation of sanitary works. "There are two fundamental essentials in every engineering problem: first, proper design and construction and, secondly, scientific, painstaking and vigilant operation. No matter how thoroughly well such plants may be designed, effective operation is necessary to effective results. On the other hand, poorly designed and poorly constructed plants, with careful operation, cannot yield the desired results."

In Raikes' interesting book entitled "Sewage Disposal Works," page 363, the following sound comments are made relating to the necessity for careful operation of such works. "Attention has been repeatedly directed in the preceding chapters to the very great care and consideration required in designing Sewage Disposal Works in order to render them capable of producing the best results at a minimum of expense; but it seldom seems to be sufficiently recognized that the management of a modern sewage purification plant also requires quite as much care and attention as the most delicate piece of machinery in order to maintain it in a state of the highest efficiency, and it is the more surprising that this fact should not be better appreciated, having regard to the large sums of money invested in the construction of such works, and the heavy expense involved by their restoration when allowed to become partially or totally ineffective through neglect, apart from the risk of litigation and damages on account of any nuisance resulting therefrom."

Recent experiences have demonstrated

with increasing force the truth of these statements. Unfortunately, in America and perhaps particularly in California, the designing engineer almost without exception has nothing to do with the completed plant. This is not as it should be. The engineer should be expected to carefully devise proper operating rules for plants constructed under his design and such operation should be conducted in pursuance of his advice and under his general supervision for such length of time, at least, as may be necessary to develop an effective program of operations and to thoroughly train those who may have direct charge thereof. It cannot but be noted that the experience derived in the operation of such works will be of extreme value to engineers in future designs.

Features of Design of Imhoff Tanks.

THE SUBSIDENCE PERIOD.

Fundamentally, the subsidence period provided in Imhoff tank installations must be sufficiently prolonged at most critical times (i. e., times of maximum flow or of the discharge of wastes which are most difficult to treat), to compel as effective subsidence as is reasonably possible. Strangely enough the available evidence goes to show that the weaker sewages require as long, if not longer, periods of subsidence than do the stronger. At any rate, the "flowing-through" period for domestic sewages should never be less than, say, from 1 to 1½ hours. This means that the average period of subsidence should be considerably greater than this and the maximum period, represented by minimum night flow, would be still further prolonged. With unclean sedimentation chambers and with too prolonged storage there is evidence that some septic action may take place. Information with respect to the acuteness and limitations of this danger is not locally available but it is very essential. It ought to be forthcoming before very long through experience with existing and immediately proposed tanks.

In order to save in original cost there is a natural tendency on the part of engineers to underestimate the maximum rates of sewage flow and to arbitrarily

and unduly limit in design the "flowing-through" period.

As a matter of fact, the subsidence or retention period, based on the total displacement volume of the "flowing-through" chambers in any installation, should not be less than, say, from 2 to 4 hours, varying with conditions, for the average rate of flow of sewage from a population estimated for a reasonable period in advance of the time of construction. These figures are larger than those which have been given for German conditions but it is believed that local circumstances demand longer intervals of subsidence.

Special consideration must be given to the effect of pumping in those cases where pumps must be installed, for reasons of economy of construction, on the inlet ends of Imhoff or other subsidence tanks. With unduly large pumps operating intermittently at comparatively rapid rates there is a tendency to force the sewage through the subsidence chambers without giving proper opportunities for the deposition of sludge. If such pumps are employed the volume discharged at any one operation would be only a fraction of the total volume or displacement capacity of the "flowing-through" chambers and such chambers should be effectively baffled to break up the adverse currents which would otherwise inevitably be formed.

THE SLUDGE DIGESTING PERIOD.

The period provided for the digestion of sludge should be determined upon the basis of a number of considerations, among which are primarily the character of the sludge and the probable intensity of biological activity in the sludge digestion chambers. This latter factor is probably the more important one with domestic sewages. It is probable that a minimum period of two months is required for the complete digestion of sludge under optimum conditions and that the total effective storage capacity of sludge digestion chambers should never be less than four months under California conditions in large plants. The smaller the plant the longer the period of sludge storage which may well be provided because of the greater

variability which is likely to obtain with respect to the character and condition of the sludge and because of the desirability of reducing to a minimum the attendance required to be given to the withdrawal and drying of sludge, etc. For the ordinary case in California, giving due consideration to climatic conditions, including the duration of the rainy season, it would appear that an effective sludge capacity representing six months of storage of the sludge received from the population upon the basis of which the tanks are proportioned would be reasonable.

The volume of sludge found at any time in a given tank depends, of course, primarily upon the period represented by the deposits. It also depends upon the character of the sewage, the period of subsidence, the activity of the organisms in the sludge, the volume of gas entrained therein and the water content. The last named factor is an extremely important one. Freshly settled sewage may contain from 90 to 95 per cent of water; a thoroughly digested sludge may contain from 75 to 80 per cent of water. With a given dry weight of solids, the ratio of the volume of a sludge containing 75 per cent moisture to that of one containing 95 per cent of moisture is as 1 to about 6.2. In other words, the volume of 75 per cent moisture sludge is only 16 per cent of 95 per cent moisture sludge.

The volume of thoroughly digested sludge (75 per cent moisture), from a system of sanitary sewers (street wastes and storm waters being, of course, excluded therefrom), is given by Dr. Imhoff as 0.1 litre per day per person connected with the system. This is equivalent to 0.0035 cu. ft. per person or 3.5 cu. ft. per 1000 persons per day. With shallow tanks and the less complete dewatering of the sludge which would ordinarily take place therein the volume of sludge to be withdrawn would be greater. With combined sewers receiving storm waters from which the heavier mineral matters have been removed in silt chambers on the outfall sewer lines, German experience indicates a volume of 0.2 litres of digested sludge per capita per day.

It is to be noted that the sludge present at any stated time in the lower chamber of an Imhoff tank is by no means uniform in composition. The uppermost portion of the deposit would, of course, be comparatively fresh and therefore would have a very high water content. The lowest layers, if deposited several months previously, should be well digested and greatly reduced in volume due to a very considerable dewatering. Between the top and bottom there is probably a gradual change in the composition and character of the sludge. To calculate the capacity of a given sludge digestion chamber it is necessary to take into account at least three factors: the amount of sludge to be deposited per day (perhaps best expressed in terms of thoroughly digested sludge), the average volume of this sludge as determined by the changes taking place during the storage or retention period, and the period of storage. Information is needed as to the water content of the sludge which would be found at stated times and under stated conditions at different depths in the sludge digesting chambers of Imhoff tanks of varying total depth.

Based upon the above considerations, Mr. Kenneth Allen has derived the following rough general formulæ for the determination of the effective capacity of the sludge chambers of an Imhoff tank installation:

C (sanitary sewers alone) = 5.25 P. D.
C (combined sewers) = 10.50 P. D.

where

C = effective capacity of chambers in cubic feet;

P = population in thousands provided for; and D = duration of storage of sludge or the retention in days.

By the term "effective capacity" of sludge digesting chambers should be meant the volume measured from the bottom up to a point such a distance below the bottoms of the slots of the "flowing-through" chambers that no gas-laden sludge may be carried backward through the slots. This level is ordinarily from 18 to 24 inches below the slots.

GENERAL SHAPE AND ARRANGEMENTS OF TANKS.

Due to their very considerable depth (25 to 30 ft.) and the consequent heavy earth pressures involved, German tanks have consistently been made circular in form with conical bottoms, the "flowing-through" chambers being of both longitudinal and radial type. American engineers, except for the deepest tanks or for very unfavorable soil conditions, seem to prefer the rectangular type, although circular tanks have been installed in a number of cases; in fact, several of this type have already been built and others are projected in California. Circular tanks are favorable from the standpoint of their capacity for resisting earth pressure but there can be no question but that they involve heavy additional expense for form work as compared with rectangular tanks. In some cases the expense so represented is greater than that which would be represented by the additional concrete and reinforcement possibly required for the rectangular tanks.

Questions of depth are important. The greater the depth the smaller the volume of digested sludge will be; due to the greater compression of the entrained gases (resulting from the decomposition of sludge) and due to the smaller water content or percentage of moisture. In populous communities, where land is very valuable and sewage treatment sites are restricted, as, for instance, in portions of the Emscher Valley in Germany where the Imhoff tank was first developed, any saving in the size of sludge drying beds which may be effected, without excessive cost would be welcome. But where land is comparatively cheap and where climatic conditions as related to the drying of sludge are very favorable, as is notably the case in California, the writer is inclined to believe that shallower depths than have been employed in Germany may be used with satisfaction and may represent a real total economy. If would appear that tanks from 16 to 20 feet in total depth can be made to be satisfactory provided that, in their design, proper account is taken of the greater average volume of sludge which

will obtain with a given weight of dry solids in the shallower tanks as compared with the deeper tanks to which most of the data now available relate.

In Germany, in installations involving several horizontal-flow units, the tanks are frequently arranged in pairs or groups through which the sewage flow is reversed in direction from time to time so that the character and amount of sludge deposited in the several tanks shall be uniform. This practice has been followed in a number of instances in America. American engineers, however, when employing horizontal-flow rectangular tanks in installations involving several units, frequently design them independently of each other, the flow of sewage through each being determined by its size or capacity. In this way, since each tank receives its due proportion of the flow of sewage and since each receives the same character of sewage and operates presumably under the same conditions, the sludge deposits in each should be similar in character and relative volume.

There seems to be no valid reason why multiple "flowing-through" or sedimentation chambers cannot be employed in a single Imhoff unit. Such an arrangement is, of course, primarily suited to rectangular tanks. There would apparently be no greater tendency for sewage to pass from sedimentation chamber to sedimentation chamber through the common sludge digestion chamber than there would be for an interchange of contents to take place between a single "flowing-through" chamber and the sludge digesting chamber beneath it. Experience has demonstrated that such a tendency, if it exists at all, is very slight and does not require special consideration. Theoretically, of course, due to relative temperature changes, such an interchange of liquids might take place. Where several sedimentation chambers in a single unit are proposed great care must be taken to accurately proportion the flow of sewage between them by the use of suitable and sufficient inlet and outlet devices. Such devices, it is believed, can be readily arranged. In a recently proposed installation the writer has sug-

gested as many as three sedimentation or "flowing-through" chambers or channels above a common sludge digestion chamber. One tank has already been constructed in California with two "flowing-through" chambers of the type in question.

It should be remembered that the greater the width of such sedimentation chambers the greater their depth must necessarily be and the greater will be the volume of ineffectual space in the scum chambers above the level of the slots. The use of multiple sedimentation chambers may often permit of their better proportioning and greater effectiveness.

It will be observed that there is an opportunity for the display of considerable originality in the design and arrangement of these structures and it is to be hoped that effective means may be taken to simplify their construction as much as possible at the same time maintaining their efficiency.

THE "FLOWING-THROUGH" OR SEDIMENTATION CHAMBER.

Thorough diffusion of the sewage is essential to the highest efficiency and to the utilization of the nominal storage period as completely as possible. This means that for any given flow of sewage the actual retention period must approximately equal the nominal period as determined by the volume of the sedimentation chamber and the rate of flow. It is impossible in practice to secure absolutely complete diffusion but it may be materially assisted in several ways. The sedimentation chamber may be made very long as compared with its width and depth; effective means may be devised for bringing the sewage into the chamber and taking the sewage from it through a number of ports or openings; and specially designed diffusion baffles may be used at the ends of the chamber and possibly, under certain conditions, distributed throughout its length. Preferably all of these features should be employed to secure effective displacement or diffusion of the sewage in passing through any sedimentation chamber.

Aside from the matter of the storage period above discussed the rate of flow or velocity of forward motion through such chambers is very important. General experience derived in the subsidence of sewage and of water indicates that the average rate of forward motion should not as a rule be greater than from 50 to 75 feet per hour. In Germany, in the sedimentation chambers of Imhoff tanks, the average nominal velocity is stated to be not usually less than 60 feet per hour. It is wise to adopt a low average rate of forward travel in the design of chambers of this sort because of the frequently unexpectedly rapid growth of our communities and the general tendency to underestimate the volume of sewage flow.

In order that the sludge settling from the sewage passing through these tanks may, to the greatest possible extent, automatically and without human assistance pass through the slots into the digesting chamber below, it is important that the bottom slopes be not less than, say, 1.25 on 1.0. It is probably seldom desirable to increase these slopes beyond 1.5 on 1.0. The angles represented by these slopes are respectively 51 degrees and 56 degrees measured from the horizontal. The interior surfaces of these chambers should be very smooth. Slots in baffles or other obstructions in sedimentation chambers should have their upper surfaces steeply sloped so that deposits will not accumulate upon them.

The proper width of slots in the bottoms of sedimentation chambers through which the sludge may pass to the digestion chambers is determined more by experience and by certain practical considerations than by theory. From 6 to 8 inches would represent good design for large chambers while even 4 inches may be found satisfactory for small works where the sewage is screened or otherwise free from the danger of conveying extremely coarse matters. A most important detail is the overlapping of the edges of the bottom slopes of the sedimentation chamber so that no gases or gas-laden particles from the lower sludge digestion chamber may pass upward through the slots. The overlap, measured horizontally, should

never be less than 3 or 4 inches. A safer figure would be 6 inches.

THE SLUDGE DIGESTION CHAMBER.

Comments have been made above with respect to the capacity, depth and general shape of sludge digesting chambers. It remains merely to discuss the features of bottom slopes, sludge removal pipes and sludge stirring and diluting devices.

The bottom slopes of sludge digesting chambers may be comparatively slight. A slope of 1 on 2 would appear to be ample and under certain conditions an even smaller slope may be desirable. It should be noted, however, in this connection that earth and water thrusts are the better resisted by inverted cones or pyramids which are not unduly flat.

Sludge removal pipes are seldom less than 8 inches in diameter nor more than 10 inches. In very small and shallow installations 6-inch or even 4-inch pipes may be employed with satisfaction. Sludge removal pipes should be enlarged, if possible, by some sort of bell end at their lower extremities. They should be set with their lower ends from 8 inches to one foot above the bottom and they should be rigidly supported. The outlet ends of these pipes should be placed with reference to the normal water level in tanks so that the static head will be sufficient to force the digested sludge up through the pipes and out into the channels delivering upon the sludge drying beds. Experience has shown this necessary head to be from 3 to 6 feet, depending on conditions. On general principles the head allowed should be as great as possible. Arrangements for back-filling these pipes with water or settled sewage after use in the removal of sludge should be made. The pipes should, in all cases, be heavily coated with materials which will resist the action of the gases and decomposing products in the sludge digesting chambers.

A perforated pressure pipe, arranged in the form of a ring, should be installed near the bottom of each sludge digestion chamber. It will serve a double purpose in that it may be employed to loosen the sludge should it be-

come too dense and fail to flow readily through the removal pipe and it may be used, if necessary, to dilute the sludge and carry away any by-products of the growth of bacteria and other organisms which may have accumulated to such an extent as to seriously lower the vitality and reduce the activity of these very necessary organisms. Such an unfavorable condition in the sludge would appear upon its withdrawal or from an examination of samples properly collected. This pressure pipe may be supplied with water or with settled sewage. If the latter is employed it will ordinarily require to be pumped and if such is the case the pump suction should be provided with a fine screen. The holes in this perforated pipe should be suitably spaced and directed and should be of proper size to secure the desirable results above outlined.

SCUM CHAMBERS.

The scum chambers, so-called, in Imhoff tanks really constitute a part of the sludge digesting chambers; in other words, their uppermost portion. In California, due to extreme biological activity, unscreened sewage ordinarily decomposes very rapidly, forming large volumes of gases which lift the particles and produce scum instead of sludge. In some cases the amount and nature of the scum formation has represented a most troublesome feature of operation of septic tanks of the Cameron type and of Imhoff tanks. It is important that scum chambers be of generous horizontal area, perhaps at least 15 per cent of the total superficial area of the sedimentation chambers. They should be perfectly accessible so that the scum may be frequently broken up with a view to liberate the entrained gases and permit the solids to settle to the bottom where proper digestion may take place. If this is not done very troublesome amounts of scum may be formed and, under extreme conditions, practically the entire weight of solids deposited in a tank will be lifted into the scum chambers and will collect to a depth which will be limited only by the dimensions of the tank.

This general matter has not received

hitherto the attention which it deserves. It should be realized that not only do the scum chambers represent an important feature of design of Imhoff tanks but they are essential to the operation of such tanks both as respects their mode of action and their manipulation.

THE SLUDGE DRYING BED.

The sludge drying bed is a very necessary adjunct to the Imhoff tank. No installation of Imhoff tanks should be attempted without suitable provisions of this sort.

The necessary area of the sludge drying bed or beds in any installation is dependent upon the frequency of removal and the consequent amount of sludge withdrawn in any given case. Conditions of atmospheric dryness and of temperature are important factors governing the size of sludge drying beds because they determine to a considerable degree the rapidity of the drying out of the sludge. Heavy rains not only moisten the sludge but tend to otherwise interfere with its drying out on account of the unduly rapid liberation of the gas bubbles which they bring about. Sludge from deep tanks, because of the usually smaller water content and the greater compression and hence the greater volume of entrained gas, will require less area in drying beds than will the sludge from shallow tanks of similar capacity. In dry weather well-digested Imhoff tank sludge of the usual consistency, containing suitable quantities of gas, will dry out and become spadeable in from 3 to 6 days upon beds of proper construction. Less well-digested sludge will require a longer period for drying.

The usual rule for determining the size of sludge drying beds in Germany in connection with Imhoff tank installations serving sanitary sewers only is to provide about 330 square feet per thousand persons represented by the tank capacity. In America this figure may be accepted provisionally for tanks of the usual depth and under average climatic conditions. In California, where the dry periods are more prolonged, it is possible that in some cases, especially where the sludge digestion chambers

represent a considerable period of storage, the sludge drying beds may be smaller. It would not appear safe, however, to construct such beds with areas less than 250 square feet per thousand persons represented by the nominal capacity of any installation.

Upon the sludge drying bed the gas-laden sludge quickly loses the major portion of its water content, partly by evaporation but largely by drainage. A 75 to 80 per cent moisture sludge, as removed from the tanks, should thus be reduced in volume from 40 to 50 per cent and in water content from 25 to 35 per cent. It is evident, therefore, that sludge drying beds must be well underdrained. If the soils in which they are located are not naturally very porous and sandy, with a water table several feet below the surface, sub-drainage must be artificially provided. Occasionally beds may be made sufficiently porous by simple under-drainage with agricultural tiles. But where tight soils exist it will be necessary to construct tile underdrains superposed by 8 to 12 inches of porous material graded from bottom up from coarse to fine. Construction details of such beds are available in engineering literature and are discussed at length in several of the references in the attached list.

COVERS VERSUS SCREENS.

From the operating program outlined herein it should appear that constant inspection of and frequent access to the sedimentation, scum and sludge digestion chambers of Imhoff tanks are oftentimes absolutely essential to the securing of satisfactory and effective results. Covers over these chambers, therefore, are to be avoided inasmuch as they are entirely unnecessary to the proper physical and biological action of the tanks and are a decided obstruction and hindrance to their proper manipulation. If covers must be provided they should be sufficiently elevated, with windows and doors in the side walls, so that all parts of tanks may be well lighted and readily accessible to attendants.

The experience available to date indicates that some sort of a screen of trees or a hedge around the site of an

Imhoff tank installation would be much better than covers from several points of view. In the first place a hedge of California privet, eugenia, pettisporum, laurestina, or any one of a dozen other available plants would be infinitely more artistic than any cover could possibly be. If such hedges were allowed to grow up quite high they would aid in diffusing any odors generated by the plant (but such odors should not ordinarily obtain with properly operated Imhoff tank installations). Well-ordered hedges would do much to allay the suspicion of neighbors and passers-by, while a board fence or a cover would tend to arouse their suspicion and offend their aesthetic senses. The psychological side of the problem of nuisances and offense to the public is extremely important and should receive particular attention in certain cases. There is no excuse for unsightliness even in connection with such commonplace things as sewage treatment plants.

ROYALTIES.

The Imhoff tank has been patented in Germany, in the United States and elsewhere and installations are subject to royalty fees. These fees are comparatively small and are payable to the Pacific Flush Tank Co., of New York and Chicago, acting as American agents for Dr. Karl Imhoff. The local representatives of the Pacific Flush Tank Co. are Gladding, McBean & Co., Crocker Building, San Francisco.

Dr. Imhoff and his representatives do not attempt to design installations for communities but require that local engineers shall design and construct such works. In this respect their program is quite different from that of the Cameron Septic Tank Co., which originally attempted to usurp the place of the local engineer and to design and install plants itself. Their attempted royalty charges have also been relatively excessive as compared with the charges which are being made in connection with Imhoff tanks. Dr. Imhoff is glad to advise engineers respecting special features of these tanks.

The schedule of charges represented by a single payment when the construction of works is begun, varies with the

population which the installation is proportioned to serve and is believed to be approximately as follows:

Minimum charge	= \$	25
For 1,000 persons	=	80
" 2,000 "	=	140+
" 3,000 "	=	180
" 4,000 "	=	200+
" 5,000 "	=	225
" 10,000 "	=	400
" 100,000 "	=	2,500

Operating Features of Imhoff Tanks.

SUGGESTED SCHEDULE OF OPERATIONS.

The following schedule of operations is tentatively suggested as essential to the satisfactory and effective working of Imhoff tank installations. This program is based upon general as well as local experience; but it is to be realized that experience in America is to date very meagre and further experience may show that other features of manipulation may require to be taken into account. However, it is believed that, if the following procedure is consistently carried out, the results will be generally satisfactory.

- (1) *Cleaning Sides and Slots of Sedimentation Chambers.* Every few days the walls and sloping bottoms of sedimentation chambers should be gone over with a rubber squeegee (a flat hardwood board from 12 to 24 inches long and from 3 to 4 inches wide with rubber edges and a light wooden handle of length determined by the dimensions of the chambers) and all adhering solid matters pushed down through the slots. Floating materials, such as matches, corks, etc., behind baffles and all scum collecting upon the surface of the sewage passing through the chambers should be removed. This may be done by means of a dish-shaped perforated skimmer, perhaps 18 to 20 inches in diameter, attached to a long wooden handle. The scum and floating material may be thrown into the scum chambers connecting with the digestion chambers. No de-

composing material should be allowed to accumulate in these chambers, otherwise septic action may take place and disagreeable odors produced.

- (2) *Reversal of Flow.* In installations where two or more tanks are operated in tandem the flow should be reversed in direction through the tanks at least once a month. This is necessary or at any rate very desirable in order that the sludge collecting in the several tanks may be maintained as nearly as possible uniform in composition and volume.
- (3) *Breaking Up and Removal of Scum in Scum Chambers.* Every few days, depending upon the character and composition of the scum, the rapidity with which it is formed, etc., the scum collecting in the scum chambers should be thoroughly broken up with a rake or other suitable device and pushed down into the digestion chambers. If this is not faithfully and consistently done at sufficiently frequent intervals scum may collect to altogether too excessive depths in the scum chambers. Great depths of scum will not digest properly and may give off more or less offensive odors of decomposition. If, in spite of frequent and thorough agitation, the scum layers become too deep, dense and hard and cannot be made to deposit in the digestion chambers, they should be removed by means of shovels. This scum may be taken to a sludge drying bed and there dried out and mixed with the digested sludge from the lower chambers.
- (4) *Observation of Rate of Deposition of Sludge.* The rate of deposition of the sludge in the sludge digestion chambers should be carefully watched and the elevation of its surface should be determined as frequently as once in each week or 10 days. This may be done by means of a weighted board or sheet iron

plate from 12 to 18 inches square attached to a wire or cord or to a long light rod of wood or gas pipe.

- (5) *Removal of Sludge.* When the surface of the sludge has risen to a point 18 or 20 inches below the slots some of the thoroughly digested sludge at the very bottom of the tank should be drawn off. The amount withdrawn at any one time should not be too great. In the first place only well digested sludge should be removed. Again, it is better, at least in large plants, to remove relatively small amounts of sludge at frequent intervals than to withdraw very large quantities infrequently. If the entire volume of sludge were removed at any one time, the entire process of ripening or establishing effective biological action in the lower chamber would require repetition. This ripening period is sometimes marked by very excessive and troublesome scum formation. Great care must be taken not to allow the sludge to pass too rapidly out through the sludge withdrawal pipes because the less well digested and softer sludge nearer the surface might be forced by the water pressure out of the tank rather than the more compact, thoroughly digested and less readily flowing sludge at the bottom. In other words, an inverted cone of least resistance might be formed and eventually only liquid, rather than solids, would pass from the tank.
- (6) *Use of Perforated Pressure Pipes.* If the sludge should not flow readily through any sludge removal pipe it may be loosened by forcing clarified sewage or water through the perforated pressure pipe in the bottom of the digestion chamber. If clarified sewage is employed it will require to be pumped by a hand or motor-driven pump whose suction should be guarded by a

brass screen having at least 10 meshes per linear inch, so that the perforations in the pipe may not become clogged. According to Saville, excessive scum formation may sometimes be checked by the occasional use of this perforated pipe. When this is done some of the gas in the sludge is driven off and there is consequently less tendency for it to rise into the scum chambers. Furthermore, if the activity of the organisms in the sludge seems to be retarded, due to the excessive formation of so-called enzymes or other by-products of their existence, these may be disseminated and diluted by spraying fresh clarified sewage or water through the perforated pipes in question.

- (7) *Refilling of Sludge Pipes.* After each withdrawal of sludge the sludge pipe should be backfilled with water or clarified sewage. If the latter is employed it may be pumped into the pipe by means of the force pump mentioned in (6). If the pipe were not thus backfilled it would almost certainly become clogged with dried-out sludge. If, from any cause, the sludge pipe should become clogged it may be cleaned by pushing a rod through it or by forcing water or clarified sewage through it under sufficient pressure. In order that these methods of cleaning may be utilized the straight run of the pipe should be continued to a point slightly above the high water line in the tank. This portion of the pipe may be capped, if desired, the cap being fitted with a pump connection.
- (8) *Drying of Sludge.* The depth of sludge deposited upon the drying bed at any one time should not be over 12 or 15 inches. In dry weather the sludge should become spadeable in a few days and should be removed from the bed. It may be used as a fertilizer upon lands or it

may be used for filling in low places upon which it is not anticipated that houses will ever be built. German experience indicates that such material is a fairly satisfactory fertilizer and is well worth hauling away and utilizing upon cultivated lands. It has the advantage of being able to lighten heavy soils and it would doubtless furnish humus to soils which are lacking in this feature. When deposited in fills the thoroughly digested sludge does not undergo putrefaction and will not cause any nuisance due to odors.

- (9) *Re-surfacing of Sludge Drying Bed.* Whenever the surface layer of the sludge drying bed becomes clogged or is taken away in the removal of the sludge a new layer should be applied. This feature is important in order that water draining from the sludge may be removed quickly either by seepage into the underdrainage system or into the naturally porous sub-surface materials, as the case may be.
- (10) *Sampling and Testing of Sewage.* The superintendent of sewers or other official in charge of the sewage treatment and disposal works should be provided with Imhoff conical glass graduates for testing the amount of suspended matter in the raw and settled sewage. From these observations the efficiency of any installation may be roughly determined. The results should be recorded on proper blanks prepared for the purpose. Ordinarily this testing should be done once a day, but occasionally it should be done throughout the day in order to determine the variations in the composition of the sewage.
- (11) *Measurement of Sewage.* Every installation should be provided with a measuring weir, suitable orifices or other devices for determining with reasonable accuracy the rate of flow of sewage.

Whenever possible a recording, self-integrating gauge should be installed to exhibit the flow of sewage at all times. This gauge should be systematically checked against a suitable glass gauge and scale or, better, against a hook gauge.

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Berkeley, California, August, 1913.

THE ODOR PROBLEM IN SEWAGE TREATMENT.

(Before the League of California Municipalities at Venice, October 10, 1913.)

By F. T. ROBSON, of Sloan & Robson, San Francisco.

There are many sides to any question so general in scope as "Sewage Disposal." Specialists are constantly studying its many phases—large cities and sanitary districts maintain laboratories and employ experts to solve such problems for them. Small communities cannot afford this expense even though their problem may be, in proportion, more involved. The officials of such cities have a hard task to decide what is the best thing to do with the funds that are available or that may be raised.

There are certain facts of a fundamental nature, however, that occur in every problem involving "Sewage Treatment." To call attention to a few such facts in a brief and non-technical way is the aim of this paper.

To present the matter as clearly as possible subdivisions as follows have been made:

The Cause of the Odor Problem,
The Effect of the Odor Problem, and
The Remedy for the Odor Problem.

SEWAGE TREATMENT VERSUS SEWAGE PURIFICATION.

Professor Whipple in a recent article published in the "American Public Health Journal," points out that there has been, and is, confusion in the public mind as to the proper distinction to be made between *sewage treatment plants* and *sewage purification plants*. Even text book writers, engineers and others, who with a little thought would see otherwise, use these terms as if they were synonymous. In reality they may be the result of two separate and distinct methods of approaching the subject of Sewage Disposal.

A Sewage Purification plant is one that will so purify the sewage treated as to make it fit for human use as a water supply, or otherwise.

There are no sewage purification plants existing or in operation at this time in California. The principal object of such plants as now exist is to change the unstable organic matter in the sewage into a stable form by oxida-

tion, in order that the resulting effluent may not putrify.

The secondary object, where necessary at all, is such purification, or filter treatment, as will free the sewage from bacteria dangerous to human life and public health.

CALIFORNIA CONDITIONS.

California conditions carefully considered will convince us that there is little need at present for sewage purification works, except in isolated cases. Because of the semi-arid nature of our climate, the water supply for our cities is either furnished from uncontaminable reservoirs close to the sources of streams or, as is the case in a vast majority of cities, the supply is procured by pumping from deep wells. In the latter case the water has traveled so far through underground strata as to render pollution by sewage practically impossible. These conditions will prevail here for a long time to come, if not indefinitely. It is not practical to make use of many California valley streams as direct sources of water supply, and even if this were done, the problem is doubtless one of filtration of the water and not one of sewage purification.

It is becoming more and more a question with engineers and authorities as to whether or not sewage purification plants, in a strict sense, are justified, except in a few extreme cases. It is a fact that sewage discharged into a stream cannot be so purified that it will be safe for communities to use the waters for domestic purposes, without filtration. This being the case, why should purification expense be doubled? That is, should both the city delivering sewage and the city taking water install effective purification plants, when the same result can be procured by co-operation and the avoidance of duplication. The burdens to be borne are many and should be mutual. Under any circumstances a city discharging sewage into a stream should maintain its aesthetic character and the sewage treatment should at least be of such efficiency as to promise a redeemable water supply under modern purification processes.

CALIFORNIA TYPES.

Examples of sewage treatment plants with which we are more or less familiar in California, and which do not include purification of the effluent, are the so-called sedimentation, screening, chemical precipitation or septic method of treatment.

While all of the above assist to a greater or less degree in the removal of the objectionable contents in sewage, and a greater or less portion of the dangerous bacteria, yet none are properly designated as "Sewage Purification Plants," the purification obtained being a secondary consideration; the primary one being a change in the character of the sewage so as to render it tolerant to the human senses.

ODORS.

Of the five human senses with which mortals are blessed, there are probably only two which are at all remotely interested in the sewage problem. The sense of sight can be very easily reconciled to any kind of a sewage disposal plant, and we dismiss this one of the two at once. It is too bad, however, that the other interested human sense cannot be rendered immune as easily. Our sense of smell is in reality the principal cause of the expenditure of such vast amounts for sewage disposal works, and it cannot be appeased in any such offhand manner as that of sight. Most of the trials of communities over the sewage question, viz.: location of disposal works, rights of way for sewer lines, disposal of effluent, etc., are all intimately connected with this sense of smell. If we could eliminate the odor problem, possibly nine-tenths of our present troubles in California would be obviated.

The Cause of the Odor Problem.

SEWAGE COMPOSITION.

The definition of sewage as given by Fuller is, "Sewage is the spent water supply of a community, together with those household wastes which are removed by water carriage in underground channels, supplemented in some instances by street washings and industrial wastes."

So far as we are here concerned, sewage will be considered to contain no street washings and also to contain no industrial wastes that would tend to change the character of ordinary domestic sewage, as such conditions are not often a problem in small cities.

Sewage may be said to be composed of the following: First, Water; second, Solids in Suspension; third, Organic Matters; fourth, Bacteria.

1st. *Water*. As just stated, sewage is the spent *water* supply of a community. Notice the prominent place water holds in this definition. It is just beginning to be realized that water may be very largely responsible for the odor at sewage disposal works. Particularly in America and California may this be the case, as here the sewage is much less strong, or, in other words contains much more water than European sewage. It probably gives off as much odor, however. So much of the water supply of our cities being taken from underground sources, impregnated with salts, particularly mineral sulphates, it is certainly a suspicious character and each case must be investigated to determine whether or not the water is a direct factor in the odor problem.

Certain common forms of sewage bacteria attack and reduce the mineral sulphates to hydrogen sulphide. If then there are immense quantities of such sulphates in our California water, the resulting amount of hydrogen sulphide will be great.

2nd. *Solids in Suspension*. The volume of suspended solids in sewage is far larger than would appear at first. Ordinary sewage sludge in the United States, when containing about 90 per cent of water, weighs 20 tons per million gallons of sewage, which is, roughly speaking, the amount of sewage of a city of ten to fifteen thousand people. The sedimentation method of sewage disposal does not produce this much sludge, as it is impossible to settle out the entire quantity. Neither does the single story septic tank method produce near this amount, as the action in the tank tends to reduce the sludge by freeing it of gases.

The Imhoff tank method or two-story septic tank produces a further reduction of the immense volume of sludge; the sludge is formed under a greater hydraulic head, which solidifies and reduces the water content and thus its volume.

3rd. *Organic Matter*. The organic matter in sewage produces the odor if we eliminate mineral sulphates from consideration. All organic matter in the sewage does not create difficulty, however.

Usually fresh sewage does not come into the problem, as what decomposition or what breaking down of the various compounds is going on is taken care of by the fresh water carrier with oxygen present in sufficient quantity.

In stale sewage or during treatment the various gases given off, such as hydrogen and nitrogen compounds, marsh gas carbon dioxide, etc., are not objectionable from a standpoint of odor, nor is ammonia rarely if ever objectionable, in the quantities found around sewage works. This for practical purposes leaves only hydrogen sulphide from the mineral sulphates and organic content, as the cause of the odor problem. It must not be understood however, that there are not other odors or gases, but if we can get rid of the hydrogen sulphide, our troubles will be so greatly lessened as to be easily bearable.

4th. *Bacteria*. Bacteria are present in immense quantities in all sewage, unless killed by some waste product of industrial plants, which contingency we are not now considering. Numbers vary greatly at different places in the same city and at different times. Most of the bacteria which are most active in the decomposition of organic and also inorganic matter in sewage are of a harmless nature as regards their influence upon public health.

Bacteria are largely of fecal origin, it being stated by some authorities that there are thirty-three billion live bacteria given off daily in the faeces of a normal adult man, besides several billion dead bacteria, total weight being seven to eight grams daily. Many others develop rapidly in the sewage.

RESUME.

Sewage contains mineral salts and organic compounds which when subject to the action of bacteria decompose and putrify giving off offensive odors among which is hydrogen sulphide, the principal cause of the odor problem.

As long as the sewage contains dissolved oxygen it may be called fresh and free from serious odors. When stale, or when the oxygen has been consumed, more or less odor is to be found. If then we can dispose of the water and dissolved content of the sewage while it still contains dissolved oxygen we have eliminated a very large part of the odor problem. The preliminary treatment then should be such as will remove the solids from the liquids while the sewage is yet fresh.

The solids must then be allowed to decompose or reduce into a stable form and this action must take place where the odors evolved can be provided for. These must be the considerations governing the design of plants.

Design of Plants.

Speaking in a general way, there are but two methods of sewage disposal, or of so disposing of sewage that its identity is entirely lost, as sewage. These are *disposal on land*, as by irrigation, by natural filters, or by simply spreading over the land; and, second, *disposal* in water, as by dilution in streams, lakes, the ocean or tributaries.

It is self-evident that as communities grow and enlarge and the surrounding country settles up and becomes cultivated, that the above results cannot be reached directly, but only by an ever increasing amount of preliminary treatment.

The limitation of disposal on land without preliminary treatment is, in most cases, soon reached, and needs little discussion. Even in a State as thinly populated as California, there are but few cities large enough to need a sewer system that can dispose of it by irrigation, by natural filter, or by running on the ground, without some form of preliminary treatment.

The limitations as to disposal in water without preliminary treatment may or may not come very quickly, de-

pending almost entirely on local conditions. In California, of course, the streams being so much smaller in summer than in winter, a nuisance would result more quickly than in some other States, but the population is so scant that communities can and do now discharge raw sewage into comparatively small streams without much restriction.

However, the rapidly increasing growth of the interior cities makes the problem of preliminary treatment before discharging into streams a very serious one in the near future. But by far the larger part of the smaller communities are so located that no streams or other bodies of water can be used for the purposes of dilution, even with preliminary treatment, since there are no streams of sufficient size within reach of their available funds or natural possibilities. They must dispose of their sewage on land without reference to dilution.

Disposal into tidal water, has had but little attention here as yet and only the last year has any restrictions been approved by law. The shellfish industry is not large, and treatment is doubtless not necessary for this reason, and again, the beaches of the State are not sufficiently used, except in certain portions, as to have the disposition of sewage on them considered a serious nuisance. For these and other reasons we have not heard much complaint about discharge into tidal waters. Perhaps now that a weapon has been secured in this new law we will find that material changes will be necessary to better present conditions and restrictions may be placed upon new installations so as to preserve at least the aesthetic features.

The greatest number of plants for the treatment of sewage in California make use of the single story or Cameron septic tank design in a more or less modified form. The prevalence of this form should not be a subject of wonder when it is considered that if septic action is a good thing, then the best results should be obtained here, where there are no great extremes of heat and cold, but a uniform warm temperature extremely suitable for bacterial action. Septic tank treatment is in considerable disrepute at present because it is not

doing the work which it was claimed would be done.

A few years ago the most preposterous claims were made for septic tank treatment. We have all heard it said that it absolutely purifies the sewage and the effluent can be used for drinking purposes. In fact certain advocates of this form of tank pretended or possibly did drink the effluent in order to convince prospective users. Even yet certain wild statements and claims are being made as to the action and operation of patented or modified forms of the Cameron septic tank and plants are being built daily with but little regard to the results that are sure to follow.

Rather extravagant claims are also made for the Imhoff or two-story tank, which makes use of septic action in the lower compartment, while all the claims that are being made cannot be substantiated, still it is far superior in certain particulars to the Cameron septic tank and if properly designed and operated will successfully perform the work claimed for it.

It may be truthfully said that there is no type of tank now made nor ever made which will deliver an effluent purified in the sense that bacteria and disease germs have been eliminated by the treatment given to the sewage in the tank itself.

The design of sewage treatment works in California has had far too little attention to date. Special California conditions and problems have not been studied but plants working successfully in other parts of the country have been reproduced here under extremely different conditions, both as to the sewage to be treated and as to climatic conditions. The odor problem has been largely augmented by improperly designed plants.

OPERATION OF SEWAGE PLANTS.

Some sewage plants in California that have been ably designed and well constructed have been giving as much trouble as those designed with the least investigation and knowledge. Apparently it is the belief of a large number of communities in the State that in sewage disposal works perpetual motion has been solved. Sewage goes into

the collecting pipes of the city from various sources and is expected to be turned out by the disposal works in a purified condition without anyone lifting a hand to assist or help. It is too bad that the result desired cannot be obtained in this pleasant and satisfactory manner. That eternal vigilance is the price of liberty, is just as true when there is liberty or freedom from odors under consideration as otherwise.

The writer has recently spent considerable time visiting sewage treatment works in the central portion of the State. The amazing conditions found are hardly to be realized. The only attention given in some cases is when a complaint is made or a stoppage or breakdown occurs. No intelligent supervision is had nor are any steps taken to watch results. The designer of the plant is never consulted unless trouble occurs and then only to be blamed for conditions arising, not as a result of his design, but of operating conditions.

The odor problem will not be solved until competent supervision and intelligent operation of sewage treatment plants is enforced by those in authority.

CONCLUSIONS.

The causes of the odor problem are the composition of the sewage, the design of the plant to handle the sewage and the operation of the plant when designed. As to the first we cannot so change the composition as to make treatment unnecessary. We can design the plant so as to be able to do the work intended, but we cannot design a plant that will operate without supervision. Intelligent operation may overcome the results of a poorly designed plant but neglect will render the best designed plant unsatisfactory.

The Effects of the Odor Problem.

The effect of the poorly designed or negligently operated sewage treatment plant appears mainly along indirect lines.

DIRECT EFFECT UPON PUBLIC HEALTH.

From our present knowledge of the subject we may say that there is no direct effect upon the public health due to the odor problem of sewage disposal

plants. The effect relates much more closely to the aesthetic than to the sanitary side of the question. Of course there have been some persons of peculiar temperament who have been known to have been made ill by offensive odors. Some people are temporarily nauseated by odors from disposal works and some have been rendered ill by continued exposure. But, however, it cannot be proven that the death rate of a community has been raised or lowered as a direct consequence of the presence or absence of malodorous gases from such sewage works.

MENTAL EFFECT AND NUISANCES.

While the odor from sewage disposal works may not have a direct effect upon the public health it may have an indirect effect through mental conditions. It certainly has and does have a very apparent and noticeable effect upon public and private enjoyment of the right to air uncontaminated by foul odors. Such odors are public nuisances and are liable to abatement. The popular idea, however, is subject to a great deal of criticism, and the results are usually not nearly as bad nor injurious as thought. Instances are at hand where petitions have been circulated to abate a public nuisance, viz., a sewage disposal plant in a certain locality, and the signers swore that they could smell the odors, etc. It was proven that the plant had never been used to that date. Other instances are known where people have been living by the side of a sewage disposal plant for some time and did not know it was there and had felt no injurious effects. When, however, their attention was called to the plant they immediately began to get sick. Any number of instances could be cited where it could be proven that the nuisance complained of was only a mental one in the mind of the complainer. Many other plants deserve to be classed as public nuisances and it is because of the large number in this class that popular prejudice does not distinguish between real and fancied cases and fights against the construction of a plant in a given vicinity.

MONETARY LOSSES.

As another effect of the odor problem we may consider the loss in money and money values both to a community and to its property holders by an improperly designed or improperly operated sewage disposal plant. A city suffers an indirect loss by being compelled to pay a higher price and to go a greater distance, often against natural obstacles to secure a site because the general public has been subjected to much trouble by poorly designed and operated plants. As a proof of this the strong opposition found here to the location of a sewage disposal plant is not found in Europe where more attention is paid to design and operation.

The loss in money values also to adjoining property because of poorly designed or poorly operated disposal works is so apparent as to need no discussion. The trouble may not be so obvious as to allow abatement as a public nuisance but yet it is so apparent to tenants or owners of adjoining property that they can not use their property to its full enjoyment.

The Remedy for the Odor Problem.

It is of but little use to point out difficulties and troubles unless a remedy is also shown. Practically all of the odor of which complaint is made is hydrogen sulphide evolved during the progress of sewage treatment. There is no known way of preventing the formation of hydrogen sulphide which is released from sewage by a great variety and most kinds of bacteria. So long as it is released in water containing oxygen complications do not seem to be serious. Since there is no way of preventing the formation of hydrogen sulphide our efforts must be directed to the control of this gas when formed. The remedy for this odor problem is the same as any other problem and consists of—

First—Investigation of the Problem.

Second—The Design of Satisfactory Works to care for the difficulty, and

Third—The intelligent operation of the works so designed.

INVESTIGATION.

As the preliminary step in any system of sewage disposal, complete investigation of all governing conditions should be made by a competent engineer. This investigation should take a far greater latitude than is generally the case. One of the main points to be investigated is the water supply to see whether it contains mineral sulphates in sufficient quantity to present a serious problem. Investigation should also be made of ground water conditions, topography both above and under the ground, prevailing winds, past and future growth, industrial wastes, etc. We should find the needs of the local situation and make the design fit the needs, not going farther than is necessary to obtain the desired end. In designing a plant there are several methods at our disposal and we may use one or a combination of the following methods:

Screens—Revolving or stationary, remove floating matter, some settling matter and some unstable matter. In fact a considerable amount of the unstable matter can be removed by fine screens, though the subject has not had much study as yet.

The first installation of the revolving screen type in California has just been built at the plant of the Anaheim Sugar Co., at Anaheim, Orange County. This consists of one Weand Rotary Screen handling about two and a quarter million gallons of waste water per 24 hours and removing solids to such an extent that the effluent is disposed of on sand filters covering 20 acres, without trouble nor objectionable odor. This result is very gratifying to the writer, who with Prof. C. G. Hyde, designed and built the plant. The alternative to a satisfactory solution by this method would have been much more expensive with a possible outlet to the ocean, a distance of twenty miles. From the results here obtained screening would appear to be the solution for many present California problems.

Sedimentation—Settles out all the matter capable of settling but the sludge is so large in quantity and so hard to handle while wet that sedimentation alone is not often used. Floating

matter may also be caught and removed at the same time. There is but little to recommend this method for use here.

Chemical Precipitation—Increases largely the amount of matter deposited over plain sedimentation and thus increases the cost of handling, with no apparent added gain. Operation may also be expensive and the cost of the chemicals necessary larger than warranted by the results.

Septic Treatment—Septic treatment is a biological process, by which the sludge is liquified and gasified, and passes off in these forms, thus reducing the amount to be handled. There are several modifications of this form of treatment, some of which are far superior to others, although they all make use of the same principle,—that of using Anaerobic bacteria as the first step to securing a stable effluent. Most installations in California make use of this method and where the plants are both well designed and intelligently operated the results are fair. It is safe to say that this method will continue in most general use but much study and investigation must be made to fit the plants to California conditions.

Electrolytic Treatment—This method has been used to some extent for many years. The plant at Santa Monica has been in operation for some time and has apparently given satisfaction as far as the odor problem is concerned. However, the writer is not familiar enough with the process to discuss it.

Filtration Treatment—Filtration is made use of in many instances as a step to sewage disposal though usually in connection with some preliminary treatment.

Broad Irrigation Treatment—Broad irrigation as a means of sewage disposal seems to be on the wane as far as the United States in general is concerned but such is not the case in California. Here the absence of streams or of bodies of water force many communities to dispose of the sewage on land. With water a necessity for crop growth sewage can be easily utilized. The value of water for irrigation makes practicable the spending of large

amounts to secure a sewage effluent satisfactory for irrigation. This should always be done in preference to taking such a valuable asset away from the community or wasting it in the ocean or elsewhere.

Not all soils nor all crops can be satisfactorily irrigated with sewage and investigation of this phase of the problem is essential.

DESIGN.

After sufficient investigation has been made to warrant an intelligent solution, the data collected should be gone over carefully and the type of plant best adapted to the conditions shown determined upon. Even with the type determined all the details as to capacity and construction remain to be solved and this is a hard problem in California. Water being 95 per cent or more of sewage it is essential to know how much water is being used. With hardly an exception no trustworthy record of water consumption is kept in any California city. Hours of pumping or revolution counters are the main sources of information. The cities of Exeter, Fullerton and Tulare, however, have just finished new water systems. Each connection in these cities is or will be metered and it is hoped that average figures can thus be obtained for typical parts of the State. Also the city of Tulare has bought a large meter to be installed on the main supply line so the total consumption will soon be accurately known.

But records as to sewage flow are entirely lacking and the engineer is forced to rely upon averages found outside the State or upon quantities determined during the short time when the design of a plant is under consideration.

Engineers should always so design, and City Trustees should always so construct a plant as to provide a means of accurately measuring the sewage flow. When a recording device complete and ready to operate can be secured for \$150.00 it is outrageous that none are in use. Every city in the State could save money by having them installed. It is to be hoped that the State Board of Health will compel some such records to be kept. Engineers have failed

either through lack of interest or ability to convince city officers of the need.

OPERATION.

Going hand in hand with investigation and design, the question of operation must be considered. No plant, intelligently conceived, well designed and well built can operate successfully without intelligent supervision and control.

The engineer who designed the plant should supervise the operation until it is in normal working condition. Questions of operation are largely the problems of the smaller cities who employ outside help to design or approve the design of a plant. In such cases it is not usual for the engineer to hear anything until trouble develops and then he is immediately blamed regardless of the cause which is likely to be inattention to rules laid down for operation. The trouble being removed this time everything is peaceful until the same thing happens again, and thus it goes on. To protect his reputation the poor engineer must continue to right matters caused by neglect beyond his control and for which he can usually collect no compensation.

The entire method is wrong. Cities which cannot afford to have in their employ sanitary experts should employ them as is done with their city attorneys, on a monthly retainer basis. Sanitary problems will then be under competent supervision and problems solved as soon as they arise and before they become serious.

CONCLUSION.

The cause of the odor problem is treatment in poorly designed or poorly operated sewage treatment plants. The effects are both direct and indirect upon public and private health, wealth and happiness.

The remedy is well designed, well operated plants.

This can only be secured by employing competent men to handle the problem. If a person is sick he does not secure the first physician at hand. If the case is serious he goes to the finest expert he can discover. When cities are sick the expert should be consulted. In every case money is saved by so doing.

TYPHOID FEVER IN CALIFORNIA AND ITS RELATION TO WATER SUPPLY AND SEWAGE.

Before a joint session of the League of California Municipalities and the California State Board of Health
Venice, Cal., October 10, 1913.

By WM K. LINDSAY, M. D.

Typhoid fever has been characterized a national disease; and from the records I have been able to obtain, I believe conditions in California do not differ materially from general records in the United States and I regret to say from morbidity and mortality reports, we find we are much higher in both than in the older nations with their more congested population.

In my brief remarks I shall omit consideration of various avenues of infection which we naturally first consider in ferreting the source of the disease and confine myself to the topic; for the endemic nature of the infection depends largely upon defective or careless sewerage disposal and a constant pollution of our rivers and streams.

When we study the geographical distribution of typhoid fever in its endemic sense, we find it starting from the mountain tops and the very source of our streams with a typhoid rate of zero, and as we follow these waters to their termination, our rate rises with our descent.

When we consider conditions as they exist, and the impossible task of maintaining our streams in an uncontaminated condition, and when we consider their final termination, which our Creator has rendered impotable for the protection of His creatures, it seems most evident our river systems are but natural sewers of the land and its people must be taught, if they are obliged to depend upon these streams for their water supply; they must bear in mind the facts and by an accepted method, render the waters harmless.

Sacramento, where I have had the fortune to spend a greater part of my life and the past five years as Health Officer, is a striking example of this very condition.

The accompanying chart will depict plainer than words the typhoid situation as it actually exists with us and

you may note the regularity of its course; with three distinct exacerbations during the past five years, which may be termed epidemic in nature, and have been accounted for in each instance the curve while low has been constant.

During the past year four cases of typhoid fever have been reported from one block in the recently annexed district where for several years sewage has been disposed of with the use of septic tanks and draining the effluent into shallow wells. Upon investigation the Health Department found one well particularly popular, owing to the coolness of the water and two of the typhoid patients report having drank the water.

In 1911 a typhoid carrier was employed in one of our dairies with its natural result. In 1912 a son of another dairy man, and himself a milker, was taken down with the disease. A similar result. In 1913 a broken sewer and back flow of sewerage into a basement of a boarding house where green food was stored, was responsible for this rise, augmented by a number of patients sent into the city at the same time from a grading camp whose infection was not positively determined.

The results of water examinations by our bacteriologist and analyst, has tallied closely with the regular endemic curve, and disclose sewerage contamination. The patients, almost without exception, give a history of having drank as we term it, "Sacramento straight," or unfiltered river water. The bacteriologist estimates that 98 per cent to 99 per cent of bacterial content is removed by filtration and this is borne out by the fact that seldom, if ever, the users of filtered water become ill with river infection.

In considering our water supply and after elimination of river infection, we must bear in mind the infected well and Sacramento has that condition to deal with as well.

In the earlier days when the farms were large and homes widely separated, infection from wells was seldom heard of, but with the cutting up of the land into small farms and towns, wells are being constantly infected from sewerage contamination and typhoid cases are frequently presenting themselves directly traceable to these wells.

It has been said "It is easier to prevent the germs of typhoid from escaping from the sick room, than it is to avoid them or to discover and destroy them after they are out of bonds," but in spite of all precautions, typhoid germs will escape all our barriers, and we must acknowledge we are powerless in preventing the possible contamination of both our surface and subterranean waters.

While the human body is the favorite habitat of the typhoid bacillus, unfortunately it can maintain a long existence outside the body under moist conditions and it is fair to presume water, for that reason, is one of the most favorable media it could find.

As typhoid will grow luxuriantly in the laboratories at a temperature from 20 degrees to 70 degrees, it is evident that factor of our water is most favorable to its existence. Typhoid germs require a food supply of organic and mineral matter which is admirably supplied in our surface water and our well waters of sewerage contamination. While typhoid bacilli do not multiply in ordinary water, the rate at which they decrease varies very greatly. The rate of decrease is greater in cold than in warm water. Decrease is less rapid in well oxygenated, than in waters deficient in oxygen. And decrease is less rapid in sterile water than in waters rich in organic matter with its common water bacteria; and it is now recognized that typhoid bacilli will live longer in ordinary drinking water, than in sewage teeming with bacterial life. As sewage is usually nearly devoid of oxygen and as the typhoid bacillus require oxygen for their existence, it is reasonable to assume a large percentage meet their due fate in a properly constructed septic sewage disposal but with all our precautions we must bear in

mind the possibility of the more resistant germs overcoming the tide of resistance and escaping alive with the effluent to contaminate our water and continue its existence.

Aside from sewage contamination in its broader sense, we have the innumerable direct sources of pollution, as for instance the river craft, and farms, the campers along the streams of the higher altitudes, and these especially are apt to include convalescents or carriers of typhoid.

After we have considered every known source, there is yet, within our vast unexplored field, a strong possibility of undiscovered sources which may contaminate our water.

With just a reference to our time honored theory that "Running Water Purifies Itself." We should especially consider the effect of dilution, as streams grow larger in their descent through our valleys, the bacteria are scattered resulting in a lower number per a given volume, minimizing the danger of infecting the user, but by no means removing the danger. Sedimentation also plays a factor in carrying the bacteria content to the bottom along with the heavier suspended matter and I believe is a strong factor in our Sacramento with its suspended earthy matter, maintaining a low typhoid rate.

Tests which we have made five miles below the sewage sump showed us a purer water than is obtainable a mile above where the effluent is turned into the river. A freshet, or the stirring up of the waters by boats or dredgers, is very apt to cause an increase in the count.

I believe it is fair to conclude:

1. Every effort should be made to digest by septic action, our sewage by properly constructed cesspools, and when by bacterial test, the effluent is found to contain pathogenic organisms, the same should be rendered harmless, before the effluent may be returned to our streams.

2. River craft, campers, farms, and other sources of direct contamination should be prohibited.

3. But after all precautions have

been taken against contamination, we must resort to filtration, chloridization, hypo-chloridization, or other acceptable treatment of our waters, before it is fit for human consumption.

When I agreed to reply to this topic I hoped to devote more time to it than has been permitted me, and I expected

to obtain data from other places subject to similar conditions that Sacramento has to meet. I have been handicapped in both material and time, and hope the discussions will bring out important facts that have been omitted and make this a very interesting and profitable subject.

A GOOD EXAMPLE.

The city of Pasadena, California, is noted for its beauty, wealth and culture, and, save in some small matters which need not be made public, for a large and capable fashion of dealing with municipal affairs.

Of course, it dispenses charity in a whole-hearted way, and recently two organizations were combined, for greater efficiency, under the name of Charitable League, which necessitated new and bigger headquarters.

A few years ago the city, at the urgent request of the Shakespeare Club, built two charming bungalows located in the two city parks near the business center, to serve as resting places for women and children. The one in Library Park, being nearer the shopping district, was equipped with a dining-room and kitchenette upstairs, where there was also a lovely porch overlooking green, shady spaces and bright flowers. Here clerks and other working girls can bring their lunches and prepare something hot and tasty if they wish, getting a restful change and better nourishment. It at once proved to meet a very definite want.

The one in Central Park, though it was freely used on concert days, and was never without visitors, did not appear to be so directly in the way of traffic, and the city commissioners offered it to the Charitable League. It was like a gift from heaven, as one of the workers declared.

The large waiting-room, with pretty rugs, easy wicker chairs, roomy, well-cushioned davenport, current literature in a convenient magazine rack, with

floods of sunshine pouring in through the big windows conveys welcome and good will in every detail.

A rear room, just as harmonious and beautiful in its furnishing, invites the intimate and well-guarded confidences which serve to open the way to helpful co-operation. A clean, white lavatory and a dear, little, blue and white retiring-room for the workers complete the outfit.

If a business or professional man must make his offices and clerks express his willingness and ability to serve his patrons, thus securing their confidence, why should not those who have the harder task to inspire the down-and-out with new courage and ambition, be as well placed? And these workers who have entered upon an occupation which taxes every resource of brain and nerve be made so comfortable as to give the most serviceable wisdom?

I saw one of the Pasadena workers taking her noon rest out on the broad porch in front of this beautiful bungalow, sitting in an easy chair, with the radiant sunshine enveloping her in its vital glow, while the soft breezes murmured an accompaniment to the mocking bird's roundelay and wafted to her the fragrance of the nearby roses, and I compared her with a nerve-racked, breathless creature doing the same kind of work in a distant city, whom I found eating her lunch behind the half-closed door of a dingy, over-crowded office, with an interruption every other minute, and it was not difficult to know which one would do the more efficient work or last longer.

Here's hoping other cities will take this hint from Pasadena.

THE CITY PLANNING EXHIBIT TO BE HELD IN OAKLAND MARCH 12th TO 22nd.

By CHARLES HENRY CHENEY

The Great City Planning Exhibit which will be shown in the new City Hall of Oakland March 12th to 22d, during which time will be held the second meeting of the Bay Counties' League of Municipalities, the City Engineers' Association, The City Attorneys' Association and City Health Officers Association, has a great deal of import to the solution of the problems of the Coast cities. Much favorable comment has already been occasioned upon the enterprise shown by the East Bay Cities in bringing out this magnificent collection of photographs, models, and drawings, which show conclusively what the foremost cities of the world have accomplished in harbors, civic centers, transportation, parks, housing, and all the other sides of city planning.

The Oakland City Planning Committee are arranging many important local exhibits to show the relation to the local communities. The most important of these is a relief map or model of the East Bay harbor from Richmond to San Leandro, 26 feet long, showing the ultimate development of the Rees' Plan, Richmond's harbor scheme, Alameda's proposed docks and parks. Most interesting of all, perhaps, is the great outside harbor park proposed by Dr. Werner Hegemann in his City Planning Report of Oakland.

The exhibit which comes from New York consists of 154 panels about 3 x 6 feet each, besides maps, plats, and thirty placards carrying definitions of City Planning by the foremost specialists of the United States. It is designed for arrangement so that upon entering, a visitor will first see a panel directing him on his way. He will then find twelve panels upon which is a succinct but comprehensive analysis of the exhibition proper. The first of these, for instance, gives a definition of City Planning, "Good sense and forethought applied to the building of cities." This indicates that the purpose of City Planning is to make a city convenient,

healthy for work, economical for business, healthful and comfortable for home life, and pleasant for social life.

The scope of the science is shown to be the designing of the physical city, not the organization of administrative departments; not treatment of efficiency in civic service or economy in the purchase of supplies; it is concerned with construction rather than with operation and maintenance.

However, intelligent City Planning will make possible a more economic and efficient operation of the city than would otherwise be possible.

The matter upon these introductory panels is to the exhibition what the table of contents is to a book. The arrangement is in logical sequence and develops the proposition of City Planning as a science, step by step.

In logical order the site of a city already built or to be built or an addition to a city which is to be built, is presented as the thing upon which the City Planner must work to procure an approximation of his ideal. The exhibition shows that the principles which should govern an ideal municipality are alike in all cities; but that the plan must be different for every city to suit its individual needs and conditions, to preserve its natural advantages and beauties, and overcome its peculiar obstacles.

Communication with the Outside World

The exhibition then carries one along in logical sequence to the next fundamental, the means of communication with the outside world. This involves the proper planning for improvement of waterways and water-front, main roads, and railways, all of which provide means of getting "food from the country, fuel from the forests and mines, raw material from the ends of the earth, people from everywhere," and through proper relationship with water fronts and railway rights-of-way, depots and terminals, to provide facili-

ties for the collection and distribution of freight. The exhibition is designed to assist in working out these problems in co-ordinating these means of outside communication with the varied interests and activities of the city.

Sanitation and Health

Another fundamental which must be taken into account at the beginning of City Planning is sanitation and health. The exhibition treats the problem of assuring a plentiful and cheap supply of pure water, and an economic but thorough system of sewage and drainage, all of which help the administrator later in preserving public health and preventing epidemics.

The idea of City Planning is to take these things into account in connection with all other problems, and not to leave them to be considered only after the city has been completed in other respects.

Guarding Against Disaster

The exhibition calls attention to the annual fire loss in the United States of more than \$200,000,000.00; the fact that in the past years several cities have been virtually destroyed—Chicago, Boston, Baltimore, San Francisco, Paterson, N. J., and others. The exhibition also suggests forethought to prevent recurrence of floods in such cities as are in danger of them.

Public Convenience

Under the heading of public convenience the exhibition divides the subject into and treats systems of street making, grades, and widths of streets, regulating poles and wires, the convenient and economical use of underground space, the separation of traffic routes, and the general adjustment of traffic routes and lines, the construction and extension of local transit facilities, the establishment and location of drinking fountains, comfort stations, shelters, etc., and the location and grouping of public buildings.

There is an elaborate showing of the civic center idea as worked out or proposed to be worked out in various places.

Recreation, Education and Culture

"If you forgot the children when you built your city, you must plan it over again," to quote a panel in this exhibition. In an unplanned city, all kinds of buildings have been thrown together in confusion, creating an abnormal environment for children, and also for "children of larger growth." The City Planning Exhibit assumes the need of recreation spaces, playgrounds, parks, boulevards, esplanades, golf links, tennis courts, and shows drawings and pictures of all of these.

Related to these things and, of course, of fundamental importance, proper location of school buildings to streets and other buildings is taken up; the exhibition also considers the necessity of providing for social contact in places for public meetings of all classes and ages—certainly a much needed democratizing interest.

Encouragement of Industry

The City Planning Exhibition at this point takes up the important relationship of the physical city to industry. It recognizes that industrial prosperity will be the basis of civic greatness; and it would provide cheap sites, convenient locations, good switching facilities, and railway and water service competition, properly related.

The City Planning idea is also to reclaim waste lowlands, improve harbors and provide railway connections and switching facilities without discrimination and special favors, and it reaches out for cheap water, light and power. It would make a town pleasant and economical for laborers' homes.

Suburban Development

The City Planning Exhibition recognizes the necessity of private initiative with governmental co-operation. It would keep outlying districts harmonious with the central area, as in Washington, D. C. It would make new development superior to the central area in poorly planned cities. The lessons taught by this exhibition if well learned would give beautiful homes to the rich, tend to depopulate the slums, or rather to transform the slums, and provide

healthful environment for the poor, and a better way of living for the great middle class.

It therefore treats the intelligent laying out of all streets, parks, recreation places, sewerage and water systems.

Many pictures of plans for garden cities and all classes of real estate developments, including industrial villages, are shown in the exhibition.

Public Control of Private Activities.

The exhibition makes the striking statement that the Woolworth Building, New York City, 750 feet high, is 670 feet higher than the limit in London, 678 feet higher than the limit in Paris, 671 feet higher than the limit in Rome, and 678 feet higher than the limit in Stockholm. Therefore, City Planning treats of the limitation of the heights of buildings, and the proportion of lot areas on which they are to be built. It regulates building construction, establishes zones or districts to be developed, supervises housing, suggests platting suburban areas in harmony with the general plan of the city, and controls the development of privately owned public utilities, and the location of their works, but its design is to conserve the public interest so as to protect the private interests whenever possible.

City Planning Procedure

The exhibition sets forth a method of procedure for City Planning: arouse a live and insistent demand; agitate in the papers; induce a Chamber of Commerce or some civic improvement league to take it up in conjunction with the city government; get a law, if necessary, giving jurisdiction over suburban areas and semi-municipal activities; have a City Planning commission; make topographical, civic, social and industrial surveys; look ahead to the far future; and lay out a comprehensive plan.

In executing the plan, work gradually along lines of least resistance, on an economic basis, protecting public and private interests. City Planning is not revolution, but evolution; and its ultimate purpose is to benefit all the people.

Financial Aspects

The exhibition closes with the practical phase of City Planning. It raises the question, "Does it pay?" It shows that City Planning saves time, motive power, health, promotes happiness, saves children physically, and potently affects them morally; that it aids in a proper mental development of the people by preventing waste and the loss from unintelligent haste, through the symmetrical and efficient development of the city.

The exhibition answers the question, how to procure the necessary money, by suggesting special assessments for special benefits, excess condemnation, and bond sales under proper restrictions. It ends with this pertinent statement: "Good City Planning permits no bad financing."

The Exhibition Coming to San Francisco and Other California Cities

San Francisco is now organizing a City Planning Committee under the auspices of the Commonwealth Club, assisted by the Chamber of Commerce, Real Estate Board, California Club, Civic League of Improvement Clubs, and other organizations, and the exhibit will be brought here to open March 27th for ten days. It is then understood that Los Angeles and San Diego hope to arrange for it. If any other California cities can possibly see their way clear to obtain this greatest educator in civic improvement they should at once communicate with the Secretary of the League of California Municipalities.



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∴ ∴ EDITORIAL ∴ ∴

SOMETHING TO THINK ABOUT

The largest tank steamer ever built under the American flag was recently launched from the Union Iron Works in San Francisco. The new tanker is 426 feet long and has a capacity for 67,000 barrels of oil. It was built for the Associated Oil Company at a cost of \$760,000. That cost represents material used, wages of workmen, and a proportionate share of the insurance and taxes paid on the works.

The same plant has commenced work on another large tank steamer for the Standard Oil Company, and the Union Oil Company has also contracted for a tanker like the one just launched. It may be said that these three tank steamers mean an expenditure of about \$2,250,000, saying nothing of the investment in the plant itself. That is a big sum of money to be paid out for wages and material.

Now then, here is the point we wish every reader of this magazine would think about and think about hard. If that \$760,000 tank steamer is registered in San Francisco or in any California port, the law says that it must be assessed for taxation at its full cash value. Should it be taken to British Columbia and registered under the British flag, it will not be taxed at all. As a result of this peculiar situation many American-built ships are registered in Vancouver and Victoria, and sail under the British flag.

If that tank steamer is registered in San Francisco the State Constitution says it must be taxed, and the law says it must be assessed for \$760,000 (how-

ever, we know it won't be assessed that much even if it has the cost tag on it when the assessor sees it). But suppose it is assessed \$380,000, or half value, the tax will amount to something between \$8,500 and \$9,100. Will the owners pay that tax? Not one cent of it. To be sure they will advance the amount of the tax and get a tax receipt, but the money will not come out of their pocket. They will simply add the amount of the tax on to the carrying charges so that as a result, Mr. Consumer, as usual, will pay the tax.

The same thing may be said of the other two tank steamers about to be constructed for the Standard Oil and the Union Oil Companies. The State Constitution and the law compel us to collect taxes on them unless they are registered in New York or under the British flag.

Now then, when we impose a tax on any kind of industry, is not such tax more or less of a burden on that industry? If we handicap the shipbuilding industry we restrict it, and if we restrict it we decrease the number of men employed in it. The taxes we impose on the improvements, machinery and material of shipbuilding plants are, of course, added to the prices charged for the ship. They are a severe handicap to such of our industries as are obliged to compete with other industries of the same kind on this Coast which are exempt from the payment of such taxes. As a matter of fact, the situation offers every inducement to our people to have their ships built outside of the State so as to save the tax. It might be said that in another sense we are virtually paying a bonus to the foreign shipbuilders.

California is ripe for a great boom in the shipbuilding industry, but we have competitors in British Columbia who pay no taxes on their improvements,

their machinery or their material, nor on the ships they build. We believe that our port cities should have the privilege of exempting ships and ship-building plants (improvements, machinery and material) from taxation if they wish to. The proposed Constitutional Amendment authorizing "Home Rule in Taxation" would allow them to do it. Why should they not have the right?

The municipalities of California have a greater measure of home rule in matters of government generally than any other cities in the Union. What has been the result? Our cities and towns are acknowledged to be the most advanced in the country. Yet every time a measure has come up proposing to give them more control over their own affairs, some calamity howler will rise up and warn the cities of the dangers of self-government. What a dangerous thing it is to permit a city to control its own local affairs, when it can be done so much better and much more intelligently (?) by the legislature.

No person can logically oppose the adoption of the proposed Constitutional Amendment without offering something else as a substitute, else their opposition will be construed as an admission that the present tax laws are satisfactory; and anybody who will have the nerve to stand up and say that our present system of taxation is all right, especially as regards the taxation of personal property, is a fit subject for a lunatic asylum. Keep your eye on Assembly Constitutional Amendment No. 7. Home Rule in Taxation is going to win.

FILING FEE REQUIRED.

In the information published in the February issue regarding the forthcoming elections in cities of the sixth class nothing was said about a filing fee. We have since taken that matter up with the Attorney General's office and received their unofficial opinion that under the provisions of section 1188 of the Political Code as amended, a filing fee of \$10.00 should be required of all candidates for a salaried office.

THE BAY CITIES BRANCH LEAGUE.

On February 12 (Lincoln Day) a meeting was held in the chambers of the Board of Supervisors of San Francisco for the purpose of organizing a Bay Cities Branch of the League of California Municipalities, as provided by the resolution which was unanimously adopted at the last convention in Venice. About seventy-five city officials were present.

The meeting was devoted to permanent organization and the election of officers. Hon. Frank K. Mott, Mayor of Oakland, was elected president. Mr. G. J. McGregor, Mayor of Burlingame, was elected First Vice, and Hon. Frank Otis, Mayor of Alameda, was elected Second Vice. The secretaries of the League were voted to act as secretaries of the Branch.

The next meeting will be held in Oakland on the afternoon of Saturday, March 14, during the holding of the City Planning Exhibition, which will be brought out here from New York City. A very large attendance is expected. City officials may learn many things from this exhibit. The leading feature of the program will be an address by Dr. Hegemann of Berlin, a recognized authority on the City Planning movement. It is universally admitted that more progress has been made in Germany in this direction than anywhere else in the world, and Dr. Hegemann's lecture will undoubtedly prove most interesting and instructive. All city officials who can possibly arrange to attend the meeting in Oakland on the afternoon of Saturday, March 14, are urgently requested to be on hand.

The idea of organizing branch leagues in localities having a great number of incorporated municipalities possesses much merit, and the success of the Bay Cities Branch will undoubtedly be followed by another branch for cities in the vicinity of Los Angeles, another for those in the Sacramento Valley, and one for the neighborhood of Fresno.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Annexation of New Territory (Wash.).—When territory is annexed to a city, the city's authority is ipso facto extended over the new territory, and it becomes subject to the city's control and supervision and to all its ordinances then and thereafter in force. *Ettor v. City of Tacoma*, 137 P. 820.

Bridge, Maintenance of.—The legislative assembly may grant the control of city streets, including bridges, to some other agency than the city, so long as the way is not diverted from its use, and no debt incurred by one municipality is imposed on another. *Yocom v. City of Sheridan*, 137 P. 222.

Whether or not a county road ceases and becomes a street when a city is incorporated, the legislative assembly may impose the burden of maintaining a bridge thereon on the county.—*Id.*

City Charters (Colo.).—Under Const. art. 20, §§ 4, 5, relating to the amendment of the city charter of Denver, and allowing it to be amended by the voters, the term "amendment" means an amendment in its unqualified and unlimited scope. *People v. Perkins*, 137 P. 55.

(Colo.).—Proposed changes in the city charter of Denver, which would alter the form of government and the method of elections, making them nonpartisan and providing for a commission form, held amendments which may be submitted upon petition of voters without the necessity of a charter convention, as provided by Const. art. 20, § 5.—*Id.*

Where proposed amendments, providing for a commission form of government for the city of Denver and for nonpartisan elections, were submitted separately, the fact that the amendment providing for nonpartisan elections was contingent upon the adoption of the commission form of government and was not self-executing, does not render it so invalid that the manner of submission deprived the voters of lawfully exercising their right of franchise.—*Id.*

Defective Sidewalk—Liability (Wash.).—City held bound to provide signals or warnings where sidewalk in common use was dangerous, and it knew or should have known its condition. *Lautenschlager v. City of Seattle*, 137 P. 323.

(Wash.).—Contractor with city for doing of concrete work on street, which had neither touched nor taken control of the sidewalk space, where a party fell in stepping from a cement walk to a plank walk six inches lower, held not liable.—*Id.*

Dedication (Cal. App.).—Where the owner of land, after platting streets and public parks, sold lots to purchasers, who relied on the dedication as shown by the plat, neither the owner nor his grantees could thereafter claim that there was no valid dedication to the public. *Davidow v. Griswold*, 137 P. 619.

(Wash.).—Where an owner so fences his property as to leave a passageway connecting two public streets, which passage is continuously used by people having business with the abutting owners for more than 10 years, and subsequently he sells all the abutting property, retaining legal title to the strip, such strip becomes a public alley by parol dedication to the public, where the use is with the legal owner's consent. *Humphrey v. Krutz*, 137 P. 806.

(Cal. App.).—Act of city in taking property set apart for use only as a public park for the extension of a street for commercial purposes at the

instance of property owners whose land would be increased in value held a violation of the trust upon which it held the land. *Mulvey v. Wangenheim*, 137 P. 1106.

Elections (Cal. App.).—Where an irregularity in the printing of the names on a ballot renders the ballot void, there is no election, and the remedy is not by a contest as between the two highest candidates. *Dennen v. Jastro*, 137 P. 1069.

Local Improvement (Ore.).—A city improving a street may summarily remove a storehouse located thereon and an oil tank imbedded under its surface. *Hunter v. Clark & Henery Const. Co.*, 137 P. 743.

(Wash.).—A city, in constructing municipal improvements to be paid for by assessments on property benefited, does not act as an agent of the owners assessed, but rather in the exercise of its governmental authority to levy special taxes. *Malette v. City of Spokane*, 137 P. 496.

(Wash.).—An ordinance for the acquisition of property for an elevated road and for its construction and for the establishment of a street on the surface provides for two separate improvements, and the cost of one improvement cannot be assessed against property not benefited thereby but benefited by the other improvement. *In re West Wheeler St. in City of Seattle*, 137 P. 303.

(Wash.).—In Laws 1911, c. 98, § 13, p. 446, providing for improvement districts, the word "block" means a square included by four streets, the term "platted property" means lands included by regularly intersecting streets, and land readily susceptible of subdivision into blocks of ordinary size is "unplatted land," and the line of an assessment district may extend back on it no further than on adjacent platted property. *Walter C. Sivyer & Sons Co. v. City of Spokane*, 137 P. 808.

Minimum Wage for Public Work (Wash.).—Const. art. 11, §§ 10, 11, and Rem. & Bal. Code, § 7507, subd. 36, and section 7518, held to authorize a city of the first class to pass an ordinance fixing a minimum wage for common labor on public work within the city, whether done by the city or by a private contractor, to be paid for by special assessment, though the wage so fixed was higher than the going rate of wages for similar labor within the city. *Malette v. City of Spokane*, 137 P. 496.

Spokane City Ordinance No. A4422, passed August 24, 1909, prescribing a minimum wage rate for common labor on city work higher than the prevailing rate of wages, is not in violation of any public policy of the State.—*Id.*

Spokane City Ordinance Aug. 24, 1909, No. A4422, providing a minimum wage rate of \$2.75 a day for common labor on public improvements, held not void for unreasonableness.—*Id.*

Street Assessments, Defects (Wash.).—A failure of taxing officers to initiate an improvement by a proper resolution did not avoid the assessment, where an opportunity was given to present objections to the assessment roll on a reassessment as authorized by statute. *Allen v. City of Bellingham*, 137 P. 1016.

(Cal. App.).—An assessment certificate, diagram, and warrant for street improvements, held admissible in evidence to establish the lien of the contractor, under St. 1889, pp. 166-168, §§ 8, 9, 12, even though nothing but the warrant was actually signed by the street superintendent, where the assessment recited that it was made by him as such. *Petaluma Rock Co. v. Smith*, 137 P. 290.

Street Opening (Wash.).—Where a municipal corporation condemned land for a boulevard, compensation being made by special assessments, the municipality could thereafter proceed with the physical improvement of the boulevard upon the local improvement and assessment plan. *In re Queen Anne Boulevard*, 137 P. 435.

In condemnation proceedings where special benefits were to be offset against the damages, the expenses of the improvement being paid for by the municipality, evidence of the amounts which would have been chargeable against the property taken, as special assessments, if the improvement were being constructed upon the local improvement and assessment plan, is admissible.—Id.

Treasurer's Liability (Colo.).—A city treasurer failing to present a check within a reasonable time, so that the money was lost through the failure of the bank on which it was drawn, was not thereby released from his obligation to turn over the money to his successor. *Babeock v. City of Rocky Ford*, 137 P. 899.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

Steam boilers, regulating the use and inspection of. San Diego, 312-A.

Vehicles, regulating speed and use of. San Fernando, 312-b.

Highway or boulevard, permitting county supervisors to use certain street as part of county or state system. South San Francisco, 312-f.

Telephone franchise, granting. Venice, 337-A.

Privy Vaults and cesspools, regulating use of. Centralia, Ore., 337-b.

Muzzles on dogs, requiring. Hayward, 337-C; Sonoma, 339-C; Pleasanton, 342-d.

Taxes, providing for collection by county. 337-d.

County Tax Levy, providing for. Riverside County, 337-E.

Junk and second-hand articles, requiring dealers to make daily report. San Diego, 337-f.

Street poll tax, imposing. Jackson, 338-a; Angels, 340-E.

Regular meetings of trustees, fixing time and place. 338-b.

Fire hydrants, prohibiting the tampering with. 338-c.

Light, heat and power corporations, requiring report from for rate-fixing purposes. San Bernardino, 338-d.

Elections, relating to. San Fernando, 338-f.

Intoxicating liquors, to prevent the procuring of by minors. San Diego, 338-g.

Dog licenses, imposing. Jackson, 338-h.

Billboards, imposing license fee. Berkeley, 338-I.

Water rates, establishing. Sonoma, 338-J; Lakeport, 343-E.

Highway, authorizing county supervisors to maintain. Redwood City, 338-L; San Mateo, 342-C.

Improvement, providing for. Hoquiam, Wash., 339-A.
Waters and impounding system, safeguarding. San Diego, 339-b.
Pool and Billiard Rooms, regulating. Orange County, 339-d.
Road poll tax, levying annual. Santa Cruz County, 339-E.
Posting bills on sidewalks, poles, etc., prohibiting. Auburn, 339-g.
Spur track franchise, granting. Centralia, Wash., 339-I.
Street grades, establishing. Hoquiam, Wash., 339-J.
Gambling, prohibiting. Orange County, 339-K.
County roads, prohibiting injury to. Orange County, 339-L and 340-A.
Cement Gutters, adopting specifications for. Whittier, 340-B.
Billboards, regulating construction and use. Berkeley, 340-d.
Billposting, licensing and regulating. Ashland, Ore., 341-A.
Intoxication, prohibiting appearance on public streets in a condition of. Ucon, Idaho, 341-b.
Electric railway franchise, granting. Mill Valley, 341-C.
Health department, creating. Berkeley, 342-a.
Street opening, ordering. Eagle Rock, 342-b.
Board of health, creating and defining powers and duties. Mill Valley, 343-A.
House-boats, arks, etc., declaring them a public nuisance. etc. Stockton, 343-b.
Dogs, regulating the keeping of and requiring muzzles on at large. Watsonville, 343-C.

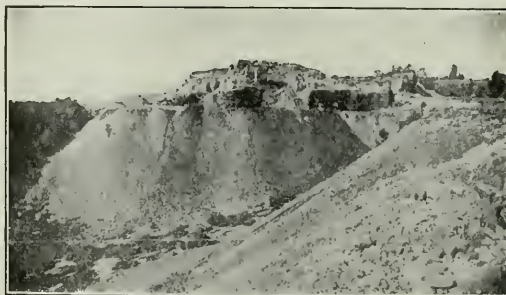
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JAMES H. BISHOP, Vice-President

∴ What Our Pacific Coast Cities Are Doing ∴

Antioch will receive bids March 9 for the following: Electrical pump equipment for use at the Town water works; improvements to the distributing system of the water system and for supplying and installing pressure filters.

Alturas is considering the installation of a septic tank sewer system.

Ashland (Ore.) Money will shortly be ready for Jackson County's \$500,000 Pacific Highway line bond issue.

Berkeley citizens are discussing a municipal electric light plant.

Bishop School District will receive bids March 10 for the construction of a one-story reinforced concrete grammar school building.

Chico contemplates the enlarging of sewers.

Coalinga Union High School library received bids February 28 for the construction of a library building.

Coeur d'Alene (Ida.) civic club, an organization of women who work for the beautifying and betterment of the city, have elected committees to perfect plans for the carrying on of their work during the coming year.

Colfax (Wash.) Mayor J. L. Neil has ordered all salaries of city officers and employees to be held up pending an investigation of the laws and ordinances fixing salaries. Mayor Neil has announced that he would not knowingly violate any law and would refuse to sign any salary warrant for a greater sum than is provided by law.

Colton has awarded contract for improving Ninth Street at \$46,000 to Bohan & Tuttle of San Bernardino.

Colville (Wash.) city council and also chamber of commerce are being urged to take up the matter of a ladies' rest room.

Compton has voted \$10,000 for a city park. A septic tank is also being considered.

Eagle Rock has passed resolution of intention for the improvement of Viola Drive by grading and macadamizing.

El Monte has voted \$46,000 for the construction of a water system.

Fresno City Engineer has prepared plans and specifications for a storm water system. Estimated cost between \$118,000 and \$125,000. Bids were received on February 16 for paving portion of "J" Street and constructing concrete curbs and gutters thereon; also for paving portion of "R" and "H" Streets and constructing concrete curbs and gutters thereon.

Gridley is contemplating the paving of Hazel Street with oil bound macadam.

Inglewood will hold an election March 10 to vote \$25,000 for the construction of a city hall; \$5,000 for park improvements and \$2,500 for the purchase of fire apparatus.

Kellogg (Ida.) is a model of peace. Not a single arrest was made during the month of January. The city council facetiously proposed to do away with the office of chief of police.

Lindsay will probably call a bond election in the near future to vote \$25,000 for better fire protection. Proposed equipment includes two 1,500 gal. per minute 2-stage centrifugal pumps, hydrants for mercantile district, 2,000 feet of fire hose, one auto chemical, double 80 with 200 feet of hose to each tank, one auto hose truck and Gamewell Fire Alarm System. Property owners are signing petitions for street paving.

Lodi. A petition is about to be circulated for the paving of East Pine Street.

Marysville city council favors improvement of Ellis Lake at cost of \$5,000. Dredging is planned.

Milton (Ore.) has organized a volunteer fire company and T. C. Elliott elected chief. The new chief, with the executive committee, will meet with the city council to discuss plans and make rules for the organization.

Monrovia has passed resolution of intention for the improvement of Walnut Avenue by the construction of cement sidewalks, cement curbs and corrugated iron culverts; also that May Avenue be improved by the construction of cement curbs, gutters and corrugated iron culverts.

Nevada City trustees are in favor of erecting city hall to cost \$8,000; also to improve the water system at cost of \$7,000.

Palo Alto has passed resolution of intention for the improvement of a number of streets.

Pasadena. Contract awarded to Munoz & Munoz, Los Angeles, by the Board of Supervisors for new California Street bridge at \$46,466.

Portland awarded contract to Waddell & Harrington of Kansas City, Mo., for the construction of the new bridge across the Columbia River between Portland and Vancouver, Wash., at \$65,000.

Portola is considering the installation of an electric plant.

Prosser (Wash.) has organized a volunteer fire department. About 26 men have signed up as firefighters. The old apparatus will be overhauled.

Oceanside received bids February 25 for the construction of a city hall.

Redding. Plans and specifications for the new bridge across the Sacramento River at

Reid's ferry have been accepted by the trustees and bids will shortly be called for.

Redlands received bids February 18 for the doing the city printing for one year.

Richmond has voted \$150,000 bonds for new schools.

Sacramento. Arc lights will shortly be installed in the annexed districts of Elmhurst, Curtis Oaks, East Sacramento, Oak Park, Riverside and Maple Park. Bids were received on February 10 for paving portion of Third Street. Bids were received on same date for 2,000 feet of 2½-inch fire hose and a lot of pipe.

San Bernardino has awarded contract to Henry R. Worthington Co. of Los Angeles for furnishing pumping plant at Antill at \$19,000. Board of Education will probably call a bond election in the near future to vote \$225,000 bonds for a polytechnic high school.

San Francisco Board of Works has approved specifications for grading and sewer- ing. Rhode Island Street from 20th to 22nd, at estimated cost of \$20,465.

San Luis Obispo is considering plans for lighting business street with electroliters.

Santa Maria is preparing for calling an election to vote bonds for the building of an eight-room school house.

Santa Cruz will hold bond election March 17 to vote \$170,000 for a high school and \$80,000 for a grammar school.

Seattle has passed an ordinance calling for an election on March 3 to vote on question of issuing \$1,830,000 to construct several bridges.

Spokane will have eight playgrounds operated under the supervision of the park board during the coming summer. Six of these were in operation last summer. One of the two new additions, Mission Park, situated on the Spokane River will be the star attraction. It will be fully equipped with the latest apparatus for young and old with a big cement wading pool for children, handball court with cement floor and swimming pool for men and women. Reports made to the City Water Superintendent Alex Lindsay of Spokane show that eight miles of water mains were laid last year at a cost of \$54,621, which brought the total distributing system up to 375 miles at a cost of \$2,982,114; of the total expense the city paid \$19,127 and property owners \$35,493. The labor cost was \$13,320 and the material \$41,300.

South San Francisco has passed resolution of intention for the improvement of portion of Linden Avenue by the construction of curbs, paving and corrugated and concrete culverts.

Stockton has passed resolution of intention for the improvement of Harrison and Van Buren Streets by paving and the construction of curbs and gutters. Board of Education received bids February 24 for the construction of a school building.

Tacoma city council has adopted ordinance authorizing issuance of \$75,000 of utility

bonds for construction of municipally-owned street car line to tide flats. County Commissioners have passed resolution to build large concrete vault in alley adjoining the court house. Estimated cost, \$12,000. County engineer has completed plans for the construction of a reinforced concrete and steel bridge at Burnett on road leading to Wilkeson. Estimated cost about \$3,500.

Wardner (Ida.) has decided to take no further action in the old controversy arising out of the conflict of the townsite patent and that of the mining claims of Weber and Bailey. The contest was instituted several years ago by the City of Wardner. The city council has taken up the matter of sanitation in an endeavor to check any possibility of the outbreak of smallpox as threatened several weeks ago.

Whatcom County (Wash.) received bids February 16 for drainage improvements in District No. 6.

Whittier received bids February 9 for one motor truck for the use of the water department.

Vallejo is planning on more street paving during the summer.

Yreka is contemplating the construction of a septic tank.

CALIFORNIA COUNTIES.

Los Angeles County. Morningside School District will hold a bond election March 2 to vote \$50,000 for the construction of a school building.

Orange County received bids February 17 for \$12,000 worth of school bonds.

San Bernardino County received bids February 24 for the construction of a reinforced concrete and steel bridge over Coyote Creek near Canon Station in First Road District.

San Mateo County will receive bids March 2 for the construction of a box culvert on the Canyada Road near Woodside, Third Road District. Bids will be received on same date for constructing a reinforced concrete bridge on the La Honda-Redwood City Road at Woodside; also for constructing a reinforced concrete bridge on the La Honda-San Gregorio Road across creek separating Third and Fifth Road Districts.

Santa Barbara Supervisors are considering \$271,000 road bond election in the near future; also a bond issue of \$50,000 for county hospital and \$10,000 for detention home. Bids will be received March 2 for the construction of three binged reinforced concrete arched bridge (William H. Thomas patent), over Rincon Creek on the State Highway.

Tehama County supervisors have ordered plans prepared for a new steel bridge on the Susanville-Red Bluff Road.

Tulare County. State Highway Commission will shortly advertise for bids for the construction of the State Highway north from Tulare to Tagus.

Ventura County is contemplating bond issue of about \$150,000 for the improvement of roads and bridges.

QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Q. Our Board of Trustees are about to take up the matter of street improvements under the Street Improvement Act, and the city attorney and city engineer, who are both on small salaries, feel that this will involve extra work and that they are entitled to extra compensation. Can we pay them extra compensation legally?

ANS. No, unless at the time of fixing their salaries special compensation was provided for.

Q. May we trouble you for an opinion in the following matter: At our bond election, \$40,000 was voted for a sewer system and \$35,000 for a water works system. Upon opening the bids yesterday, it is found that there will be a surplus in the sewer fund, but a shortage in the water works fund. We understand that this surplus may be transferred from the sewer fund to the water fund by a vote of the people; but the question is: may it be so voted upon at the general election next April, or must the question be submitted at a special election?

Also, it is claimed that candidates for election must put up a deposit of \$10.00 in order to run for any municipal office. We do not find any such statement in the February issue of Pacific Municipalities. If anything of the kind is required, please inform us in full as to our duties in the matter.

ANS. You may take advantage of an old statute passed in 1899 which authorizes the transfer of a surplus into the general fund, from which fund it may be thereupon used for your waterworks system. The law referred to will be found in the Statutes of 1899 on page 105. It is entitled "An Act to provide for the Disposal of Money Raised by Cities and Towns for Public Improvements after the same has been Completed and Paid for," and reads as follows:

"Whenever any city or town hereafter raises, or has heretofore voted to raise, any sum of money for a specific public improvement, and after such improvement has been fully completed and paid for, a residue remains for the disposition of which there is now no provision of law, such residue shall be

paid into the general fund of such city or town and form a part thereof."

The section of the Bond Act which authorizes the transfer of a surplus by a vote of the people calls for a special election. It is doubtful, therefore, if it would be lawful to hold such a special election on the day of the regular municipal election. Would therefore urge you to make use of the law we have quoted above by voting any surplus remaining in the sewer fund over to the general fund, and thereupon into the waterworks fund. This can be done by the Board of Trustees without a vote of the people.

As to the necessity of a fee from candidates for a political office, would say that we have just taken this matter up with the Attorney-General's office, and the conclusions reached after a careful investigation is that a fee will be necessary from candidates for a salaried office.

Q. Kindly give us any information you may have concerning a city's right to restrict any certain number of people or families residing on a certain sized piece of ground, say a lot 25 feet by 150 feet.

We have some cases where a lot of small shacks and an excess of population are on one small lot in the Mexican district, and we wish to correct the condition, it being a menace to health and also a fire risk which we do not wish to incur.

ANS. There is no question as to the city's right to restrict the number of people living in one house where such a manner of living is a menace to public health. Municipal authorities may go farther to preserve the public health than for any other purpose. The right to restrict the number of people living on a certain sized lot would be more difficult, as in certain cases a great number of people may be accommodated on a certain sized lot if the building were high enough. There is absolutely no question, however, about your right to limit the number of people living in a

small shack. It would be necessary to mention the size of the shack or building in the ordinance provided for making the restriction. You are probably aware that there is now in existence a State law known as the "Cubic Air Law." It may be that you can invoke that law in this case. As to the risk from fire, would say that a restriction on the kind of buildings and the number of buildings to be permitted on one lot of a certain size should be covered in your building ordinance. Would suggest that you prosecute the owner of the property under Section 401a of the Penal Code.

Q. I wish to inquire if any of the cities have been able to make any more definite rule in regard to water system extensions than that laid down by the Railroad Commission in the case of Clark, et al. vs. Hermosa Beach Water Company, et al.? The doctrine there seems to be purely one of reasonableness. It has occurred to me that a city might declare by ordinance what would be reasonable extensions for a water company to make, and then if the company objects, the burden would be upon it to prove the unreasonableness of the rule. If any city has made any such rule, I would like to know of it.

The question constantly presents itself as to whether a 100-foot or a 500-foot extension to reach one or two customers should be paid for by the company or a part paid by the consumer. It would seem from the above decision that where the outlay was so small as not to affect materially the return of the company on its investment, that the company should make the connection, no matter what the distance. And where the company is making a fair rate of return, that is well and good. But where a company, by reason of unwise investment, is not making a fair return on its investment, who can judge what is fair?

ANS. There has been a recent decision of the Railroad Commission covering the point involved in your inquiry. The decision is entitled "E. T. Dooley, et al., vs. People's Water Company." The Railroad Commission defined its jurisdiction to compel extensions of water utilities, and directed the defendant to install a water main in Keith avenue, Berkeley, in order to serve complainants; the decision is No. 442. Would suggest that you send to the Railroad Commission for a copy of the decision; it will cost you five cents.

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Write for Catalogs. Mention Pacific Municipalities When Writing

This list is arranged as a guide for the accommodation of city officials where advertising for bids is not necessary.

Accountant

William Dolge, C.P.A., 311 California St., S. F.

Asphalt Machinery

A. L. Young Machinery Co., 26-28 Fremont St., S. F.
Barber Asphalt Paving Co., S. F. & L. A.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.
Steiger Terra Cotta & Pottery W'ks, 729 Mills Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

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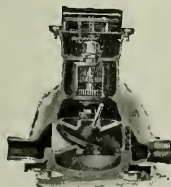
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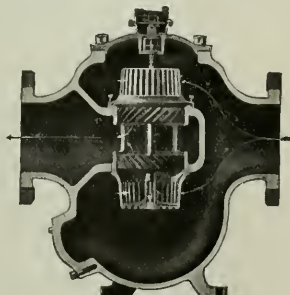
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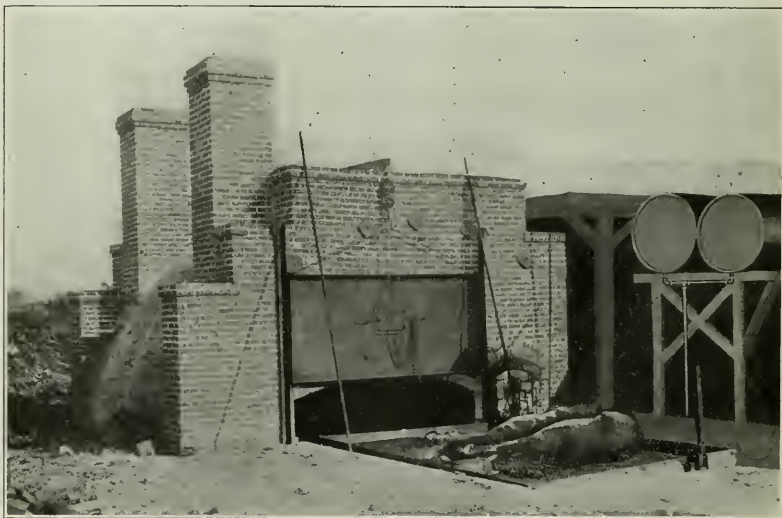
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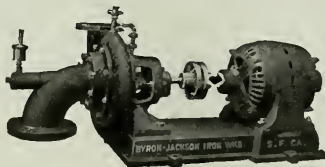
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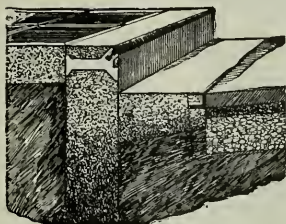
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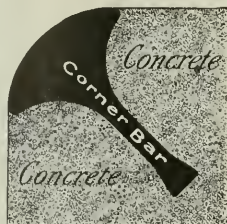
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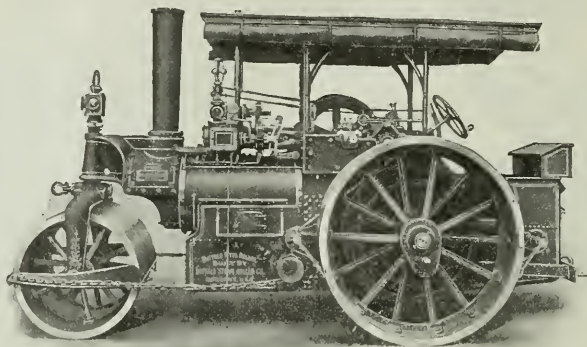
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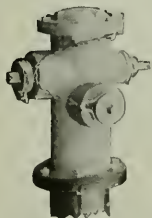
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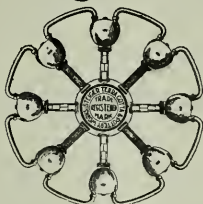
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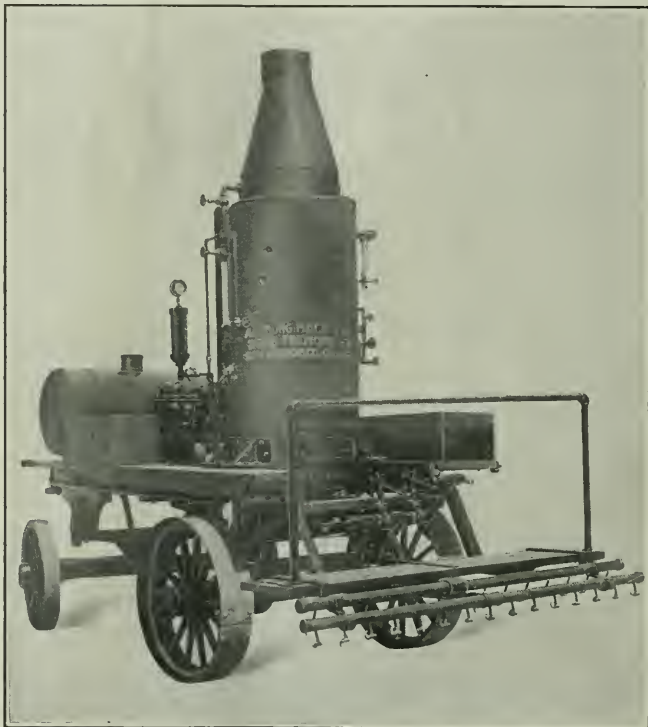
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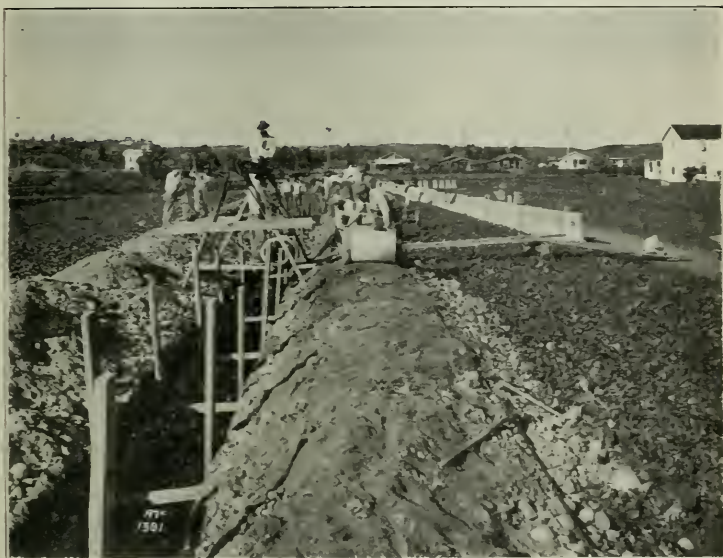
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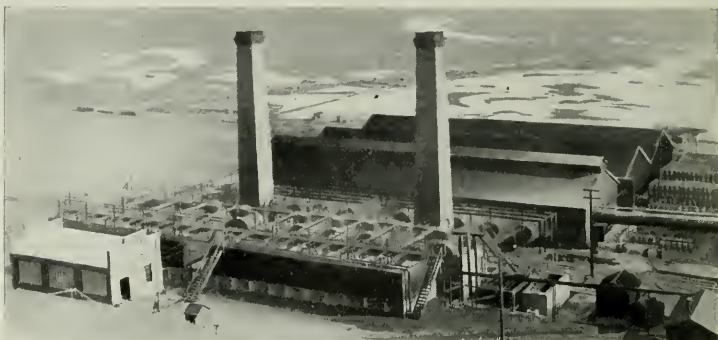
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LEAGUE OF CALIFORNIA MUNICIPALITIES

Organized 1897

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The League of California Municipalities maintains, in connection with the Secretary's Office, an Information Bureau where the officials of the municipalities belonging to the League can secure information on all subjects relating to municipal affairs, also the loan of copies of municipal ordinances.

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(OREGON, WASHINGTON, IDAHO) Organized 1912

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All members and officials of cities and towns belonging to the League are entitled to the use of the Municipal Reference Library and Bureau of Information maintained in connection with the Headquarters of the League. Information will be furnished on all subjects relating to municipal government, and so far as possible arrangements will be made to loan material to members.

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Organized 1910

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Pacific Municipalities

OFFICIAL ORGAN OF THE LEAGUE OF CALIFORNIA MUNICIPALITIES
THE LEAGUE OF PACIFIC NORTHWEST MUNICIPALITIES AND THE
BOARD OF SUPERVISORS ASSOCIATION OF THE
STATE OF CALIFORNIA

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SIXTEENTH YEAR

No. 4

EDITORS - - - - H. A. MASON AND WM. J. LOCKE

ASSOCIATE EDITOR - - - - CHAS. G. HAINES, PH. D.

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APRIL, 1914

NOTICE—Each city belonging to the League of California Municipalities is entitled to a copy of this magazine for each of its officials without extra charge, and every Board of Supervisors of the Counties of California is entitled to one copy. If not received kindly notify the Secretary.

THE ADVANTAGES OF INCORPORATION TO SMALL TOWNS

By H. A. MASON

The question is frequently asked: of what advantage is it to the people of a small town having a population of from 500 to 1000 to incorporate as a municipality?

Those who ask the question are usually those who are inclined to measure any advantage that might be gained in dollars and cents and then offset such gain by the dollars and cents they would have to pay as municipal taxes.

It is impossible to measure the advantages of incorporation in the terms of finance, just as it is impossible to measure the cost of maintaining schools by the value that education confers upon the human race. It is not a matter for comparison; the advantages can only be pointed out, then if a community desires such advantages the thing to do is to incorporate.

It is a well-known fact that the bringing together of a number of people in the form of a social body begets certain necessities which are peculiar to that very circumstance. One man does not require a sewer system, but such an institution becomes a necessity when a community is established and a great many people begin living together in close physical relationship. Neither does a small community require a transportation system, a necessity, however, when the small town becomes a large city.

This illustrates the point that must be kept in mind, to-wit: that a community is like an organism, an entity having its own existence to take care of irrespective of the individual wishes of its constituent members. Its needs must be satisfied, otherwise it will cease to thrive

and grow. It will become anemic, so to speak, and finally retrograde, just as the human body will retrograde if its demands are not satisfied. The question then for a community to determine is this: Are our community necessities being fully satisfied?

Let us analyze these necessities. The first need of a community is a highway, a means by which one inhabitant may reach another inhabitant. Two families may require a connecting pathway only, whereas one hundred families will need a street system. Then follows another question: Is our street system maintained as we want it? That is to say, Are the streets properly graded, drained, paved, sprinkled, and lighted at night, and are there proper sidewalks and crosswalks? Are there trees along the streets? Do things commend themselves to our senses? If not, then the inquiry is made—Who can do those things for us? Can the county supply those needs? The answer will be that the county is organized for serving a rural community and not an urban center. If you want those things you must get them yourselves. In this situation a trial is often made to secure such needs by voluntary co-operation. This method may be partially successful for a time, but it soon develops that contributions for the public good are not equitably distributed. The public spirited and generous will contribute more than their share, while others equally able will give little or nothing.

Therefore it is to secure community necessities at an equality of cost that municipalities are organized as political bodies. They are vested by law with the power to do the things that the community desires to have done, and to distribute the cost equitably over the entire community by the power of taxation. No other form of government can serve them so completely or satisfactorily.

The things which a municipality may do are many and their powers are sufficiently extensive to include not only the things required by a small community, but all those that may from time to time be demanded by reason of its growth. A community does not have to be very large before it requires improved sanita-

tion. It needs sewers and health regulations which only a municipality can provide. At the same time it must have an ample water supply; the time is now at hand when private capital cannot be relied upon to properly safeguard the public interest in this respect. A municipal water supply means an abundance of pure water for domestic purposes, also for sewer flushing, street sprinkling, the irrigation of lawns and gardens and the consequent improvement of the town generally.

There is a great satisfaction in having a town look attractive, with neatly kept streets, bordered with ornamental trees, flowers or grass. Besides, it is a great factor toward enhancing the value of real property, for the reason that other people will want to make their residences in such a town, and consequently there will be a demand for home sites.

There are many other "community needs" such as a fire department, public library, some measure of police protection, perhaps some means of recreation like a park or playground, and possibly a public meeting place such as a town hall. These things can be secured only through the instrumentality of a municipal corporation. And if a community aspires to future growth, if it is ambitious to be a factor in promoting civilization, it must satisfy these community needs. The earlier it commences to do so the more rapidly it will grow.

The cost is not material. If you need a square meal you go and get it and pay the price, otherwise you starve. The same rule obtains in respect to the requirements of a community. If it needs something it is because its very being depends upon that need being satisfied. It must obtain it, otherwise it will lose its power to grow and deterioration will result. This is an inexorable law of nature.

The method of incorporating a town is provided by law. It is a legal procedure and should be conducted by a lawyer. It is quite a technical proceeding and the requirements of the law should be carefully observed, as errors sometimes produce serious consequences. The lawyer selected to conduct the proceedings should be one who has had previous ex-

perience or be in a position to consult with one who has had such experience. The law requires a municipality to have at least five hundred inhabitants.

Communities are sometimes advised that instead of incorporation the formation of a sanitary district or lighting district may be formed. The former has the power to construct sewers, the latter to

light the highways. They answer the requirements of certain small communities, but their powers are limited and the tax for maintaining them is correspondingly high. If there is any possibility of the community ever increasing in population it is much better to organize at once as a full-fledged municipality.

THE WORK OF THE LEAGUE OF CALIFORNIA MUNICIPALITIES

By WM. J. LOCKE

The above-named organization was formed in San Francisco just sixteen years ago. At that time there were about one hundred incorporated cities and towns in the State. The government of municipalities throughout the country, especially in the large cities, was then in a very deplorable condition. Bryce in his "American Commonwealth" has referred to it as our "one conspicuous failure." Graft, bossism and inefficiency were prevalent in almost every large city and a cry has been raised throughout the land for municipal reform. The League of American Municipalities had just been organized, and those who were desirous of seeing some reform accomplished realized at once the advantages that might be secured from such an organization. Unfortunately the expense of sending delegates to national conventions proved to be too great a burden for small municipalities and consequently membership in the national organization has been confined almost exclusively to the large cities.

It was realized, however, that State organizations would not have this objection, and several officials who had attended the first meeting of the National League at once proceeded to organize leagues within their respective States. In California invitations were sent to the officials of the various cities and towns throughout the State requesting them to assemble on a given date in San Francisco. The first meeting was attended by thirty-nine officials, who represented thirteen municipalities.

The League was a success from the start and has proved since to be of inestimable benefit to the cities and towns of this State. Since the first meeting in San Francisco, sixteen years ago, annual conventions have been held each year. From a membership of thirteen the organization has grown so that it now numbers on its rolls one hundred and eighty-two cities and towns.

Prior to the formation of the League no records whatever were kept of municipal work or development. Each city and town was absolutely in the dark as to what the others were doing. Moreover, there was no stimulus to do very much; they merely drifted along, doing only those things which were absolutely necessary. With the organization of the League all this was changed. The publication of an official organ containing an account of what the other cities were doing throughout the State had an effect of stirring the other towns to action, and a universal demand arose for all kinds of municipal improvements. From time to time special attention was called to those cities and towns which were making the greatest progress. At the annual conventions the practice was made of having the officials present give an oral account of the achievements of their respective municipalities during the past year, a practice which has been kept up ever since. These reports have served as a great stimulus to the more backward towns.

The great value of the annual conventions is due to the fact that they

serve as a clearing house of ideas and experiences. Reports are given of the success or failure of new methods or apparatus, thereby enabling those present to profit by the experience of others, and thus save many thousands of dollars in costly experiments. The various subjects are discussed in a practical way and, if possible, by those who have had actual experience; formal addresses are always followed by questions and discussions. Any official (appointive or elective) of a city belonging to the League is eligible to participate in the proceedings.

Almost as much benefit is derived from the private talks between delegates. During recesses, at meal times, wherever and whenever two or more delegates meet, the discussions are continued and extended. Everybody "talks shop," and one would be amazed at the almost total exclusion of other matters from the conversations.

In order to secure the best results and accomplish the greatest amount of work it was found necessary to divide the morning sessions into separate departments. Hence the city attorneys meet together in one room, the clerk, auditors and assessors in another, and the engineers, councilmen and street superintendents in another. The program is so arranged that the questions discussed by each respective department during these morning sessions are of particular interest to that department only. For instance, the clerks, auditors and assessors take up such matters as uniform accounting systems, equitable assessing and kindred topics, while the attorneys discuss problems of a purely legal character, and the engineers, councilmen and street superintendents consider such matters as street paving and sewer systems. In the afternoon all the officials meet together as one body and take up such questions as are of general interest to all city officials.

The California State Board of Health holds an annual meeting of State, County and Municipal Health Officers at the same time and place, and a joint meeting with the other city officials is held occasionally when some important question of municipal sanitation is under

consideration. All discussions before the general body are recorded by a stenographic reporter and published subsequently in "Pacific Municipalities" (the official organ) for free distribution to the cities and towns belonging to the League.

Four years ago, at the request of a number of contractors and supply houses, the plan was inaugurated of having an exposition in connection with the annual meetings, of machinery and supplies such as are used in municipal work. The plan proved to be very attractive and of much benefit to the city officials, enabling them to see and compare the latest improvements. Practical demonstrations of exhibits are made whenever possible.

Great care is exercised in preparing the program for the conventions so as to secure the maximum of benefit from an educational standpoint. They may be likened to a university "short-course series" on the administration of municipal government. Experts and the best known authorities obtainable are secured as the leading speakers, especially those who have had practical experience.

The League maintains a headquarters and Information Bureau in San Francisco. In compliance with a recent request the League is now affiliated with the Extension Division of the State university as a part of the university's Municipal Reference Bureau. The details of co-operation are in the hands of a joint committee composed of officials of the League and professors of the university. City officials are encouraged to make use of the Information Bureau. All questions submitted are given careful consideration and replies are sent without delay. This service is of inestimable value to the small towns, especially those which do not have a city attorney, as the secretaries of the League are recognized experts in municipal corporation laws and therefore well qualified to fill the requirements imposed by this feature of the organization.

About eighteen months ago the League officials inaugurated another feature which has proved of great benefit, to-wit: the collection, compilation

and loaning of municipal ordinances. The League is on the mailing list of nearly every official newspaper published on the Pacific Coast. From these newspapers copies of all the new ordinances passed by the different cities and towns on the coast are secured and filed away under a proper index. The titles of these new ordinances are published monthly in "Pacific Municipalities," and any official may secure the loan of one or more ordinances upon making a request in writing. Besides this, the secretaries make a practice of gathering copies of various kinds of specifications relating to public work, legal opinions, pamphlets and general literature concerning municipal affairs.

The League has done considerable work in the way of preparing model ordinances on such subjects as building laws, fire protection, and ordinances for the assessment and collection of taxes. It has also concerned itself in the matter of legislation, with the object of securing more power for the municipalities and simplifying legal procedure; and also conversely, to oppose any threatened legislation contrary to these principles. At every session of the legislature a representative of the League is in almost constant attendance. Among the important measures which have been secured are the following: A simplification of the procedure for issuing municipal bonds, lengthening the terms of municipal officers, providing measures for street improvements, establishing a public library act for municipalities, exempting municipal bonds from taxation, enabling the optional use of the commission form of government for small cities, and providing for a system of uniform reporting for municipalities.

On several occasions the League has undertaken the defense of small municipalities in law suits where the principle involved concerned every city in the State. One was a case where a New Jersey company sought to collect a royalty on an alleged patent for the application of crude oil on the streets for the purpose of laying the dust. The League raised a defense fund of \$5000, engaged able patent lawyers and eventually won the suit. On another occasion the

League successfully resisted the demands made for royalty by the owners of a patented septic tank. Work of this character alone has demonstrated the value of the organization and exemplified the truth of that well-known saying, "Unity is Strength." On a subsequent occasion, preparations which had been made for bringing suit against a small city in Alameda county were immediately stopped when the proponents were informed that the League would undoubtedly take up the fight. At the present time the League is endeavoring to secure the adoption of an amendment to the Constitution authorizing "Home Rule in Taxation" for the cities and counties.

As an illustration of the great advantages of the League to small municipalities, the information recently given regarding the conduct of the forthcoming election in sixth class cities may be cited. The new election law, especially in so far as it relates to sixth class cities, is unintelligible. In fact, it is absolutely impossible to ascertain from the language of the law what the legislature intended. In this dilemma the League officials took the matter up with the Attorney-General's office and after an exhaustive investigation received an opinion covering all the various provisions of the law. This was published in "Pacific Municipalities" as a guidance for the attorneys and clerks of sixth class cities. It is service of this kind which makes the League almost a necessity for small municipalities.

The League has always made it a policy to discourage everything savoring of "junketing" in connection with the annual conventions, principally for the reason that the expenses of the officials who attend them are generally paid by the cities, and the organization does not wish it to be said that the officials are enjoying a pleasure trip at the expense of the taxpayers. As a matter of fact, night sessions are the rule at every convention, and not until all the business has been concluded do the delegates indulge in any sightseeing; even then the sightseeing is invariably of an educational character, such as the inspection of pavements or other public work. No

political questions are allowed to be discussed at the meetings and no person is allowed to address the convention who is a representative of special interests or who is interested in something to sell the cities.

With the idea that the chief function of the League is education and that without education there would be no progress, the organization is unquestionably a valuable school for municipal officials.

It is the only means by which they may learn of the improved methods devised from time to time for doing the various kinds of municipal work. The League has greatly stimulated the growth and development of the municipalities of the State. As a matter of fact it is universally conceded throughout the country that the cities and towns of California are the most progressive in the nation.

WHAT SOME CITY OFFICIALS THINK OF THE LEAGUE

There are now over one hundred and eighty cities and towns belonging to the League of California Municipalities. The names of these towns are published in the front part of this magazine. Last December the assistant secretary sent several dozen letters to various city officials throughout the State requesting them to reply and say what they thought of the League and the work it was doing.

The replies received, without a single exception, spoke of the organization in the highest terms of praise, proving that the League is not only deserving of the support of every city and town in the State, but showing also that the organization has become almost a necessity for the small municipalities.

Unfortunately there are about fifty incorporated towns throughout the State that have not been persuaded as yet of the many benefits to be derived from membership, and for the purpose of showing them how the league is regarded by the officials of the other towns, we secured permission to publish the replies mentioned. The following are only a few of the letters received. Many of them were too long to publish, but all the originals are on file at the League headquarters.

Willits, Cal., Dec. 30, 1913.

William J. Locke, Asst. Sec.,
League of California Municipalities,
San Francisco, California.

My Dear Mr. Locke:

I am much surprised to learn that there are approximately fifty municipalities in California which do not belong to the League, and I am satisfied if these cities and towns could only be informed of the vast importance of the League and of the great work it is doing, that they would all become members. The membership cost is so trifling and the benefits received so great that there should be no hesitancy on the part of these non-members to become associated with us as soon as possible.

Yours very respectfully,

CORONADO, CALIFORNIA,
City Attorney.

Coronado, Cal., December 22, 1913.

League of California Municipalities,
San Francisco, Cal.

Attention of Mr. Wm. J. Locke.

Dear Sir:

I have made enquiries among my colleagues and the city officials. They are all unanimous in their approval of the league, in their approval of its work and results, and are indebted to the magazine for valuable and timely hints.

There is no question of the value of the League to our city as a whole. Its officials read your magazine from cover to cover and read it with avidity.

It is suicide not to join the League.

Yours truly,

GEO. HOLMES,

For ten years Chairman of Board of City Trustees.

P. S.—We have been members many years.

Yreka, January 10, 1914.

Mr. William J. Locke,
League of California Municipalities,
9th Floor Pacific Bldg.,
San Francisco, California.

My Dear Sir:

I take great pleasure in writing you that ever since I have been city attorney of Yreka, for the past two years, we have held a membership in the League of California Municipalities. I cannot speak too highly of the good work your organization is carrying on. We have not passed an important ordinance for the past year without consulting your department, and we have always been favored with a prompt and instructive reply, as well as copies of other ordinances which have been passed upon, which has always been of great assistance to us. In my opinion, no town should be without your "Pacific Municipalities."

You are at liberty to use this letter in any way you see fit.

Wishing you a happy and prosperous new year, I am,

Yours very truly,

JAMES D. FAIRCHILD,
City Attorney.

Boulder Creek, Cal., Feb. 4, 1914.

W. J. Locke,
San Francisco, Calif.

Dear Sir:

I consider one of the best moves the Town of Boulder Creek ever made was to join the League of California Municipalities.

Before joining, it was in the wilderness, never knew what was going on throughout the State in matters of town government, but now we are progressing having taken up several matters of interest that have come to our notice through the magazine published by the League. None of the Trustees would think of giving up our membership.

Yours truly,

J. H. ARAM,
President.

Bishop, Cal., January 17, 1914.

League of California Municipalities,
San Francisco, Cal.

Dear Sirs:

In this find draft for \$20.00 to pay our annual dues. We consider this the very best investment our town has ever made. To become a member of the Municipal League. To be entitled to and have the opinions of men who are specialists in municipal law, besides the great assistance that Messrs. Mason and Locke, its editors, have given us in the sale of bonds causes us to appreciate the "Pacific Municipalities."

Truly yours,

W. W. YANDELL.

Berkeley, January 8, 1914.

Mr. William J. Locke,
Managing Editor, Pacific Municipalities,
Ninth Floor, Pacific Building,
San Francisco, Cal.

Dear Sir:

I wish to offer a word of appreciation for the good work done by the League of California Municipalities. During recent years the study of city government has been one of the prominent subjects before the American people. Much has been done in finding out new methods and eliminating old ones, and the subject is rapidly becoming one of scientific investigation. In this State the League of California Municipalities has led in these investigations. It has been a clearing house for the interchange of ideas pertaining to the science and art of municipal government. Any city not availing herself of the advantages thus offered by the League is certainly blind to her best interests. Each progressive city should, by membership in the League, make its contribution to the value of the work of the League.

Very truly yours,

J. J. JESSUP,
City Engineer, Berkeley, California.

Fort Bragg, Cal., Dec. 27, 1913.

League of California Municipalities,
Pacific Building,
San Francisco.

Gentlemen:

I am returning you herewith copies of Ordinances pertaining to police regulations of billiard and pool halls, motion picture theatres, etc., and ordinances regulating sewer, fire and buildings within city limits, which ordinances you so kindly forwarded to us for comparison when our city desired to legislate upon these matters.

I take this opportunity to express my appreciation of the prompt and efficient service of your organization. Our city has not held membership in your League for a year as yet, but during the time that we have been members we have been enabled to receive and have received, on several occasions, service and advice of sufficient value to us to reimburse us many times over for the small membership fee that we are charged.

I most heartily commend your organization for the service that it is rendering to its members and will take pleasure in recommending a renewal as soon as the present membership of our city expires.

Very truly yours,

M. H. IVERSEN,
City Attorney of the City of Fort Bragg.

Red Bluff, January 1, 1914.

League of California Municipalities,
Pacific Building,
San Francisco, California.

Yours of December 18, 1913, received some time ago and owing to the rush of business

and the holidays I have been unable to answer the same prior to this date.

In regard to the League of California Municipalities, I would state from a personal viewpoint, that no city in California could do anything better for the advancement of its people in general than be a member of the League, for a vast amount of good even in suggestions, that is obtained from being in close touch with the League and its members cannot be equalled in any other way, and for me you can say, that I surely approve of the objects and the entire workings of the League of the California Municipalities and really believe that the good resulting therefrom, in being one of its members, cannot be excelled, and I surely hope the time is not far distant when all cities of California will be active members therein.

I remain,

Very truly yours,
JAS. T. MATLOCK, JR.

Lindsay, Cal., December 20, 1913.

Pacific Municipalities,
San Francisco, Cal.

Gentlemen:

In re yours of December 18, 1913, I have the honor to state both in behalf of the Board of Trustees of this city and of this office that the membership of this city in the League has been of the greatest service, that on the score of ordinances that have been loaned by the League and advice given on points that we were in doubt, we consider that an invaluable service has been rendered and beside this there are innumerable other things in which the League has more than repaid the small membership fee charged.

As far as this city is concerned there has never been any doubt as to the great benefit that membership in the League has conferred; the only question is "How could we do without it?"

With best wishes of the season I beg to remain,

Very truly yours,
E. V. BOGART,
City Clerk.

Anaheim, Cal., December 20, 1913.

Mr. Wm. J. Locke,
Asst. Secretary, League of California Municipalities,
Pacific Bldg.,
San Francisco, Cal.

Dear Sir:

In reply to your letter of the 18th, requesting my opinion concerning the work of the League, I take pleasure in saying that I have found the work of the League to be of great value to my department. I have attended three of its annual conventions and found them, and especially the work of the Department of City Attorneys, to be very useful to all concerned. The achievements of the League in the matter of legislation, affecting municipalities, is one of the strong-

est arguments in favor of the organization.

Wishing you the compliments of the season and bespeaking a prosperous New Year for the League, I beg to remain,

Yours very truly,

H. G. AMES,
City Attorney.

Watsonville, Cal., Dec. 19, 1913.

League of California Municipalities,
San Francisco, Calif.

Gentlemen:

I am somewhat surprised at a statement contained in a letter recently received from you that there are some fifty incorporated towns in this State that have not availed themselves of the benefits of membership in the League of California Municipalities.

The annual conventions of the League are alone of incalculable benefit to all the cities of the League. The most modern views of city administration, street building, sewerage, garbage, and all other matters of municipal concern are there discussed by experts, and the combined experiences of all the cities of the League are made the common property of all.

The service rendered by the League to the engineering and legal departments of the affiliating cities is especially valuable inasmuch as all questions affecting either department are quickly and ably answered. I probably have asked more than my share from this service, but it is so easy and the legal opinions furnished have been so uniformly sound that I have not hesitated to pass up a number of knotty legal propositions to this department and have never yet been disappointed.

I feel that no progressive city can afford to be without membership in this League.

Yours truly,
A. W. SANS,
City Attorney.

Hemet, Cal., December 21, 1913.

Mr. W. J. Locke,
League of California Municipalities,
San Francisco, Cal.

Dear Sir:

I have found the League to be a very valuable help in many ways. It acts as a sort of clearing house of municipal experience. Some other city or cities have usually met and solved the problems that come before us, as new ones, and through the League we can get the information we seek or find out where to go for it. The library of ordinances which are loaned to city officials, is a valuable feature, as is also the retention of a consulting engineer to advise on municipal engineering problems. The cost of membership is trifling as compared with the benefits.

Yours truly,
F. W. STETSON,
City Engineer.

Coalinga, Cal., December 24, 1913.
League of California Municipalities,
Pacific Building,
San Francisco, Cal.

Gentlemen:

In your campaign to bring the outside cities into the League, I hope you may succeed to the extent of getting every city which is not now a member to come in during the coming year. I feel quite sure that the only reason that there are some towns not yet members of the League is that the matter has not been given serious enough thought for the advantages to be realized.

I would like to do anything that I could to cause the outside cities to realize the advantages to be derived from the League. There are so many advantages, that it would be difficult to say which to emphasize, but personally, I consider the law department of a great deal of value. As a member of the Board of Trustees, one wants advice upon all kinds of questions—during my experience as trustee, I have probably written twenty-five or thirty letters for information covering various points of law and in almost every case have had a reply by return mail. The law department should appeal to small communities especially—not alone for the benefit of trustees but all other city officials as well.

One of the greatest recommendations for the League is the promptness with which it attends to all matters placed with it and I want to assure you that in our case, we have had the best of treatment.

Yours very truly,

W. H. FALCONBURY.

Lakeport, Cal., December 24, 1913.

Wm. J. Locke, Esq.,
Managing Editor,
California Municipalities,
Pacific Bldg., San Francisco, Cal.

Dear Sir:

Replying to your favor of the 18th inst., relative to the merits and work of your League, I wish to state that I have been the Clerk of the Town of Lakeport for some eight years and the Town Attorney for four or five years, and that during these times many a difficult question has come before me. I have always taken the liberty, inasmuch as our town belongs to your League, to submit to you such questions where there was doubt as to what the procedure should be, and I am pleased to state, that it has been my experience to always receive prompt and accurate responses to questions so submitted. I might add that our town would not consider the withdrawal of its name from the membership of your League, especially so long as it is kept up to the progressive spirit in which it has been conducted in the past.

In the meantime, reciprocating your kind wishes, I remain,

Yours very truly,

H. B. CHURCHILL.

Second Meeting of the Bay Cities Branch League.

The Bay Cities Branch of the League of California Municipalities held its second meeting in the new city hall at Oakland on the afternoon of Saturday, March 14, during the time the City Planning Exhibition from New York was being held in that city.

This was practically the first meeting to be held in the council chambers of the new city hall. The building is not yet completed, but Mayor Mott had arranged things so that the new council chambers might be made use of for this meeting.

Very little business was done at the meeting, the object being to have the city officials get together at this time in order that they might see the magnificent City Planning Exhibit which the American City Bureau of New York has been sending around the country. At the present time the exhibit is being shown in San Francisco.

It was reported at the meeting that the City Attorneys' organization was working upon several model ordinances relating to meat and food inspection and uniform automobile regulations, and that they would be submitted at the next meeting of the Branch for consideration and approval.

Upon motion of Mayor Monahan it was unanimously decided to hold the next meeting of the Branch League in the City of San Jose some time during the month of May.

The Municipal Bond Market.

Within the past two months quite a decided change has taken place in the municipal bond market. Bonds of any fair-sized municipality, carrying five per cent interest, are now bringing a good premium. San Francisco has just sold about a million dollars worth of bonds carrying four and one-half per cent interest. San Rafael recently rejected a bid on \$175,000 worth of five per cent bonds where the premium offered was over \$2,000. Municipalities desiring to borrow money for improvements may rest assured now that funds may be obtained at a reasonable rate of interest.

List of the Leagues of Municipalities in the United States

If there was any further proof wanting as to the value of Leagues or similar organizations of the cities, it may be found in the fact that organizations of this character are now maintained in thirty-four States of the Union.

State	Secretary	Address
Arkansas	Lynn Shelton	Little Rock, Ark.
California	H. A. Mason	Pacific Bldg., San Francisco, Cal.
Connecticut	Dr. J. Milton Coburn	South Norwalk, Conn.
Indiana	Edwin A. Cobb	Columbus, Ind.
Illinois	Arthur G. Brown	Moline, Ill.
Iowa	Frank G. Pierce	Marshalltown, Iowa.
Kansas	C. H. Talbot	University of Kansas, Lawrence, Kan.
Kentucky	Mayor of Frankfort	Frankfort, Ky.
Maryland		
Massachusetts	Hon. John O. Hall	Quincy, Mass.
Michigan	George H. Curtis	Jackson, Mich.
Mississippi	A. M. Paxton	Vicksburg, Miss.
Missouri	Sidney J. Roy	Hannibal, Mo.
Montana		
Nebraska	R. C. Ozman	Lincoln, Neb.
New Jersey	Frederick W. Donnelly	Trenton, N. J.
New York	Wm. P. Capes	105 East 22nd St., New York City.
North Carolina	I. P. Shell	Dunn, N. C.
North Dakota	A. R. Watkins	Fargo, N. D.
South Dakota	L. L. Stephens	Pierre, S. D.
Tennessee	John W. Horton	Tullahoma, Tenn.
Texas		
Virginia	L. C. Brinson	Portsmouth, Va.
Ohio	Mayo Fesler	Cleveland, Ohio.
Oklahoma		
Pennsylvania	Fred H. Gates	Wilkesbarre, Pa.
Utah	George Romney	Smithfield, Utah.
Washington	Sam R. Sumner	Wenatchee, Wash.
Washington }		
Oregon }	Chas. G. Haines	Walla Walla, Wash.
Idaho }		
Wisconsin	Ford H. McGregor	Madison, Wis.
West Virginia	W. H. Garnett	Hinton, W. Va.
Minnesota	Prof. Richard R. Price	Minneapolis, Minn.

List of the Leagues of Municipalities in Canada

State	Secretary	Address
Alberta	James McNicol	Blackfalds, Alta.
Alberta	George J. Kinnaird	Edmonton, Alta.
Manitoba	Robert Forke	Pipestone, Man.
New Brunswick	J. W. McCreedy	Fredericton, N. B.
Nova Scotia	Arthur Roberts	Bridgewater, N. V.
Ontario	K. W. McKay	St. Thomas, Ont.
Quebec	W. D. Lighthall	Westmount, Quebec.
Quebec	Talbot M. Papineau	Quebec.
Saskatchewan	E. Hingley	Radisson, Sask.
Saskatchewan	W. F. Heal	Moose Jaw, Sask.
British Columbia	H. Bose	Surrey Centre, B. C.

PROCEEDINGS OF THE SIXTEENTH ANNUAL CONVENTION

— OF THE —

League of California Municipalities

Held at VENICE, CALIFORNIA, October 6—11, 1913

(CONTINUED)

THE CITY CLERK

An address delivered before the Department of Clerks, Auditors and Assessors by Mr. Frank Kasson, City Clerk of Palo Alto.

Mr. Chairman: In the deliberations of this Department emphasis has been placed on the duties of the Auditor and the Assessor and much attention has been given to methods and systems designed to make the work of these officials more efficient. This feature of the convention proceedings has been most commendable and beneficial, since the levying of taxes and the handling of the revenues of the city must be properly done if municipal government is to prove successful.

Important, however, as are these requirements of city government, there is a third division of this Department, the efficiency of which is equally indispensable. The office of the City Clerk must be as carefully administered, as perfectly systematized, as any part of the whole plan of city government in order to insure harmony and cogency among the correlated divisions of the municipality. The Clerk has diverse duties and he must perforce be familiar with the work of all the other officials. This latter requirement is imperative, as the Clerk's office is a general information bureau where any and every question relating to city affairs must find a prompt and authoritative answer. The office requires intelligence, clear judgment and vigilant care for detail.

The loose-leaf minute book has become a necessity, as typewritten records are far more neat and accurate and better for reference purposes than pen-written records. The minutes must

first of all, be accurate and should express clearly and fully, but not verbosely, the action taken by the Council or Board. Any omission or indefinite statement may cause future confusion and perhaps financial loss. This is particularly true in regard to records relating to ordinances, resolutions, and in matters where financial transactions are involved, such as bond issues, street improvements and the like. In recording action on ordinances and resolutions it will be found, wise to quote the full title both when introduced and when enacted and in the latter case to give the number. It would not appeal to one as being either neat or necessary, even though it might be legal, to paste any kind of document in the minute book. In my own office the practice has been adopted of keeping a loose-leaf ordinance book and a loose-leaf resolution book, in which the ordinances and resolutions are typewritten. These books are convenient for reference and can be used in court as evidence when needed, thus avoiding taking the original documents from the office. The originals are of course carefully preserved in steel filing cabinets.

If in writing the minutes each subject is introduced by a red-line caption, it will be found that reference work will be greatly expedited. Negligence by the Clerk in the care of his records is inexcusable.

The care of documents, such as bids, contracts, reports of officials, resolutions, and whatever may need to be preserved, demands the closest attention on the part of the Clerk. The larger cities naturally have this work systematized, but in many of the smaller places lack of system prevails. Every town, no

matter how small, can afford to have steel filing cabinets in order to preserve its important records from destruction by fire or from being misplaced or lost. The filing of documents should be so arranged that the Clerk can at a moment's notice produce any paper desired. It is possible for the Clerk to make himself indispensable, and efficiency insures tenure of office and adequate remuneration.

Card indexes are an essential part of the equipment of the Clerk's office, and should include an index of property owners, showing the property owned and the residence of the owner; an index of documents filed, which should embrace not only the more strictly legal papers, but all correspondence and communications of moment; and such other indices as may facilitate the work of the office.

The entire correspondence of the small city comes to the Clerk's office, and in handling this the Clerk has an opportunity to bring substantial benefit to his community. Promptness is the first requisite, although accuracy in the information furnished is equally essential, while courtesy is presupposed in all cases. The strictly business correspondence is easily managed, but in dealing with complaints from residents of the community tact and patience are required. Every Clerk receives many letters from people who contemplate locating in his locality, and in answering such inquiries the Clerk may make himself a promotion agent of the utmost efficiency.

In the sixth class cities the Clerk is the major part of the government and must of necessity be accountant as well as Clerk. In the majority of the cities the Clerk has some other office as well, usually that of Assessor or Auditor. It is not the purpose of this paper to treat of these additional duties, as they will be more explicitly set forth from another angle of experience.

In the city of Palo Alto the Clerk is also the Assessor and has the further duties incident to the municipal ownership of public utilities. He is the clerk of the council and of the three

commissions, which necessitates the keeping of four separate minute books. The purchase of every article used by the city, whether it be large or small, is made upon the Clerk's requisition, countersigned by the chairman of the board for which the purchase is made. This rule is rigidly adhered to and the Auditor refuses to pay for any article for which no requisition is issued. The practice might well be adopted by the smaller towns, as the requisitions aid in checking up purchases when received and form a perfect safeguard for the purchasing department. In Palo Alto also the Clerk files all demands, and together with the City Engineer (who is the executive officer of the Board of Public Works), the chairman of the Board of Public Safety and the chairman of the Library Board, places his O. K. on all demands before payment is authorized. This reference to the duties of my own office is made to illustrate the diversity of the work that may be imposed upon the Clerk and to show the importance of accuracy in every detail of administration.

Not the least exacting of a Clerk's duties arise from the more or less constant visits of citizens to his office, some of whom come to gain legitimate information, some to lodge complaints of real or fancied wrongs and some perhaps to voice abuse or insult. As a public official he must be courteous at all times and to all people, and he needs tact and diplomacy in order that those who come with a grievance may leave satisfied. The Clerk has the power and the opportunity to win the respect of the community and to make the city government popular, and he has like power and opportunity to bring the administration into discredit.

In the ultimate analysis a city is simply an aggregation of individuals and administrations are popular or otherwise according to the personality of those who administer the offices. With earnest officials, men who are energetic, conscientious and progressive, the success of the city is assured, and success attracts attention, promotes growth and accents prosperity.

MUNICIPAL ACCOUNTING.

An address delivered before the department of Clerks, Auditors and Assessors by Mr. John H. Harrison of the Federal Census Bureau.

Mr. Chairman: In a great many instances cities differ greatly in their accounting systems, as well as in their forms of reporting the transactions of the municipality. Until the cities keep their accounts and publish their annual reports in a uniform manner it will be impossible, to compare with any degree of intelligence, one city's finances with those of other cities. Such comparisons are very valuable, and the demands for comparable statistics are becoming greater every year; those interested in the welfare of their city, realizing the advantages, such as enabling them to study economy, etc., by such comparisons.

Standard city accounts and reports are desirable not only as prerequisites to significant comparisons of one city's finances with those of other cities, but also to enable citizens of a given city to compare expenditures, outlays and revenues for a given year with those of other years.

If a standard system is in use, the transactions must be analyzed and recorded according to their character; in the case of payments, they will be classified according to their object, as per expenditures of a given department, or for outlays for a specific improvement; in case of receipts, they will be classified according to their source, as from a given class of revenue or from some non-revenue source. In case a standard system is not in use, the transactions will in all probability not be analyzed, but will be recorded in the easiest possible manner, or possibly in a manner determined by political ex-

pediency. Such methods, or rather lack of methods, result in a different treatment of similar items in succeeding years, thus precluding comparisons of any value.

Another point that is very vital to the success of uniform municipal accounting and reporting is a Standard Accounting Terminology. Uniformity in systems of accounting must be based upon a common language of accounts, that is, upon the use of a common terminology. The Bureau of the Census undertook a study of accounting terms some years ago, and have presented definitions of the more important terms in several of its reports. These definitions have been discussed by accountants and city officials and have been revived from time to time; and it is hoped that further discussions of these definitions will be continued, and that the number of cities adopting these terms will be increased.

My superior officer Dr. L. G. Powers, of the Bureau of the Census, who is in charge of municipal statistics of cities and the advancement of uniform municipal accounting, compiles annually a report of all cities having a population of 30,000 and over. The object of this report is to present comparable statistics of cities for the information of city officials, civic bodies, students of economics interested in city management, and citizens who take an interest in their city and work for its betterment. To secure statistics that are comparable, the Bureau sends its agents to each of the cities to be reported, to translate into a common language the data contained in their accounts and reports, thus securing a uniformity of classification that cannot be obtained by use of city reports alone as they exist today, on account of lack of uniformity in accounting and reporting.

This report will enable those interested to compare the details of municipal administration in their own city, with those in other cities, and such comparisons must lead them to the discovery, that in some particular, or possibly in

many particulars, other cities excel their own, and are securing greater departmental efficiency in proportion to moneys expended. The wide-awake citizen interested in the physical and financial welfare of his city can find its weak points by comparing its operations with those of other cities of about the same size and similarly situated. To make this comparison possible, and to provide data for making it, is the purpose of the inquiry conducted by the Census Bureau.

In so far as this purpose is accomplished, the city secures better and more economical administration of public funds. Better management results in increased safety to the lives and property of all the citizens, better health conditions, greater recreation opportunities, and wider scope in educational activities. More economical administration, whether resulting in securing more for moneys expended, or retaining in the city treasury for future uses moneys formerly wasted, results in the financial benefit of every taxpayer.

The Bureau of the Census has sought to assist in arousing interest in uniform accounting for cities, in order that it might more accurately, and with less expenditure of time and money secure data for all the cities that would be comparable. This effort has been made in two directions: first, by presenting to city officials in its schedules and reports the classification of receipts and payments officially employed by the Bureau; second, by co-operating with such State bureaus as those of Massachusetts, New York, Ohio, Indiana, Wisconsin, Washington, and the Comptroller's office of the State of California, with a view of harmonizing the scheme of classification employed by those bureaus and by the Census Bureau.

Doubtless a great many of you have seen the present schedule adopted by the State Comptroller's office of California, upon which all the cities and towns within the State will report annually the financial transactions of their respective cities and towns. This schedule is the result of a conference between Mr. William Dolge, a certified public

accountant of San Francisco, Mr. C. E. Cooper of the State Comptroller's office and myself, and it adheres practically to the form of reporting that is used by the Government in reporting financial conditions and statistics of all cities in the United States of 30,000 population and over; and practically the same form that has been adopted by State bureaus of those States, realizing the importance of uniform accounting and reporting, that have already adopted a uniform report for their cities and towns.

Some of you will say, as was the case in Ohio, Massachusetts and other States, upon the installation of the new form of report, that the number of cities over thirty thousand is insignificant, in point of number, when compared with the number of smaller cities and towns; this is true in California, as well as other States, there being only eight cities of 30,000 and over in this State according to figures of 1910 Federal Census, but I am glad to state, that Los Angeles, Berkeley and Sacramento have adopted this form of report exactly, and I believe within the next two years every large city within the State will have the same form of reporting.

You know better than I, the rapidity with which these smaller cities are growing, some, of course, will never be large cities, but regardless of the size of the city or town, don't you think it advisable and more beneficial, for the smallest, as well as the largest, even though the small cities and towns will find it necessary to use only a small number of the inquiries on the schedule to use and become educated to a reporting form, that is, as we think, the standard for cities, and one that is more universally used than any other, made so by the Census Bureau in its agitation for uniform accounting and reporting.

This form of reporting is not the work of one man, but is the work of thirteen years or more of study, discussions, etc., of Dr. Powers and his staff together with public accountants and deliberations of the National Convention of City Auditors and Accountants which is held annually.

PROCEEDINGS OF THE SIXTEENTH ANNUAL CONVENTION

— OF THE —

League of California Municipalities

Held at VENICE, CALIFORNIA, October 6—11, 1913

(CONTINUED)

MORNING SESSION.

Tuesday, October 7, 1913.

The Convention was called to order by President Mott at nine o'clock a. m.

The topic announced for this morning is "The Biggest Problem That Has Confronted Us Since the Last Convention." That refers to each of the cities, and the idea, as I understand it, is to have the representatives tell the Convention what has been the serious and big problem that has confronted their respective cities during the year, in order that we may discuss it, and, if possible, solve it or help to solve it. The matter is now before the Convention.

Mr. Wallace T. Rutherford, of Napa: Mr. President, there is a problem that is bothering the city of Napa, and without any doubt it concerns every other city of the size of Napa. Our population is 6000. The thing that bothers us most is what to do with our garbage. We do not want to spend from \$30,000 to \$60,000 in erecting an incinerator. We thought that it might be possible to secure some kind of a suitable plant at a cost of from \$1000 to \$5000. Is this possible? If there is any other city that has had experience with this question we would be very glad to know of it.

The President: Who can respond to the question? There are a number of our cities that have already erected incinerators, and they certainly must have had some experience.

Mayor J. L. Mercier, of Santa Rosa: I will state that Santa Rosa has an incinerator that cost about the price the gentleman mentions, that has proved very satisfactory. We take care of all the garbage of the city through this incinerator. It is built of brick with a fire brick lining. I don't know exactly

what it cost, but I do not believe it was over \$2500 or \$3000.

Mr. Rutherford: What is the name of your plant?

Mr. Mercier: I don't know that it has a special name. It is one we built ourselves. I think you could get a plan of it from our city clerk.

Mr. Rutherford: What is the general principle of it?

Mr. Mercier: Well, it is just like other incinerators, only of a smaller size and smaller capacity.

Mr. Rutherford: Do you dry your stuff first, or not?

Mr. Mercier: No, we burn it all, just as it comes from the garbage wagons. They haul it up onto a driveway, and it is dumped right into the furnace. It looks to me just like a common, ordinary furnace.

The President: How much per ton does it cost you to incinerate your garbage?

Mr. Mercier: I am not prepared to say as to that. The total running expense of it is about \$50 a month, I think.

Mr. Rutherford: What fuel do you use?

Mr. Mercier: We just start the fire and burn it up.

Mr. Rutherford: Without oil or gas or any fuel?

Mr. Mercier: No oil or gas. It makes its own fuel, and burns it.

Mr. Rutherford: And how many tons a day does it consume?

Mr. Mercier: I think about three or four tons.

The President: You must have more than that, I should think. What is the population of Santa Rosa?

Mr. Mercier: 10,000—supposed to be 10,000. I should think about three or four tons at present.

Mr. Rutherford: Do you burn all your garbage and everything in that furnace, or just your street sweepings?

Mr. Mercier: No, we burn all the garbage—no street sweepings at all, but just the garbage from the stores and houses.

Mr. Rutherford: Is there a force draft, or something of that kind?

Mr. Mercier: No force draft, no—no mechanical device, but just natural draft. We have a chimney about forty feet high, I think, and it burns it all up clean.

The President: The great trouble in the incinerating of garbage that is produced, especially out here in California where there is so much fruit thrown away and the garbage is very wet compared to Eastern and European cities' garbage, is to get a heat great enough to dry it quick enough to consume it. In European cities and in Eastern cities, the garbage is not so wet, and they have less trouble in that respect. But that is our difficulty here, as nearly as I can learn.

Mr. Mercier: At the present our garbage is of a mixed character—there is a good deal of wet garbage in it.

The President: It would be the same in Santa Rosa as in any other city, of course. Who designed your destructor?

Mr. Mercier: The city engineer, if I remember right. It was built several years ago. The results are very satisfactory.

The President: There is no question but that an incinerator can be built to incinerate the garbage produced in Napa, but the great question is to keep the cost down. There is the problem, really, keeping down the cost.

Mr. F. R. Howe, of Santa Cruz: Santa Cruz has been confronted with the same problem, as have most of the other cities, regarding the disposal of garbage. The federal government recently sent a man out from Pennsylvania for the purpose of building an incinerator in Monterey to take care of the garbage at the military post there. They have just completed a two-unit incinerator at a cost of \$6000, which will take care of 30 tons a day, and the cost of the disposal of that garbage is from 8 to 13 cents. Santa

Cruz, with a population of 15,000, needs a one-unit incinerator with a capacity of 15 tons, and we have been negotiating with this engineer who was sent by the government to Monterey. He informs us that he can build us a one-unit 15-ton garbage incinerator for about \$4500, and that the cost of incineration will not exceed from 8 to 12 cents.

The President: Per ton?

Mr. Howe: Per ton. As we all know, the federal government has made a thorough study of the disposal of garbage, and their experience should be valuable. They are just about to complete a garbage incinerator in Monterey to take care of twenty tons a day. They are going to move a number of companies of cavalry to that point, and will be obliged to burn all their manure every day. The same man is being held there for the purpose of building the new incinerator. We propose, if possible, to take advantage of what the government has already expended in experimenting on garbage incinerators, especially as this man is only across the bay from us. We expect, as soon as we return from this convention, to have plans made for erecting our incinerator, and it seems to me it would be well for all cities, if they are interested, to take this matter up with some government engineer, as they can certainly get data which will be of great importance and interest to them pertaining to the cost of disposing of garbage. It was a decided sticker with us, because we found cities that were paying from 90 cents to \$1.00 or even \$1.50 a ton to burn, and we didn't feel that we could afford it. Casually we saw the plans of this incinerator. They show that the wagon is backed up and the garbage dropped into the chute. They start their first fire, and this dries the fuel for the second, and so on; it works automatically. As the garbage is dried on the shelf, it drops down onto the fire, and that fire makes a dryer and fire for the garbage dropped on the shelf above that. I don't know very much about it, except what I have told you. We are very much inclined to think that this plant will prove exactly what we want. It was through Adjutant General Forbes at Sacramento that we

received this information. He put us in touch with this engineer at Monterey.

The President: Do you know his name?

Mr. Howe: I think the name is Walters. If any of you gentlemen desire it, and will just correspond with me, I will be glad to put you in touch with him, and for your information I will say that I am Commissioner of Public Health and Safety in Santa Cruz, and my name is F. R. Howe.

Mr. Locke: Send the name of the engineer to the secretary's office, if you will.

Mr. Howe: I will be glad to do so.

Q. I would like to ask the gentleman whether the cost as given is not something like the cost per mile of running an automobile—they do not take into account the wear and tear, depreciation, and interest on the plant, or the men who take care of it.

Mr. Howe: I raised the same question, talking with this engineer, and he guarantees that he will build the plant for from \$4500 to \$5000, and he also guarantees by bond that the cost of operating won't be greater than what he has estimated.

Q. But you can't get a man to go and attend to it for 50 cents a day, even if you have very little to burn.

Mr. Howe: That does not include the help, of course.

The President: That was what I was going to say. If you had twenty tons a day of garbage at 12 cents a ton, that is only \$2.40, and that of course could not include the man. Are there any obnoxious fumes passing from that incinerator?

Mr. Howe: No. You can put it right in the residence district of any city, and there is nothing obnoxious about it whatever.

The President: No fumes at all?

Mr. Howe: No.

Mr. C. E. Skaggs, of Santa Rosa: I would like to hear from other cities as to how they handle their garbage. In Santa Rosa, we charge the men that handle the garbage \$15 a month for the use of the incinerator, and we are paying a man \$45 a month to take care of it and burn the stuff. The actual expense to

us per month is \$15, since we have two garbage wagons that take care of all the garbage in the city, each paying us \$15 a month. I was wondering whether the other cities charge the garbage men for hauling stuff to the incinerator, and can make it self-sustaining or nearly so.

Mr. Frank Ey, of Santa Ana: I would like to ask if there is any one present that has a patent on an incinerator? We corresponded with a patentee, but we paid very little attention to his offer, as he wanted to go into partnership with our city. He should have informed himself that it is impossible for a municipality in this State to enter into partnership with a private individual. The reason I speak of this is because this party claims to have an incinerator which produces fuel as good as coal, is therefore a money-making proposition.

The President: You will find a great many patents extant whose owners make very extravagant claims in that respect, but I think they are, as a rule, not to be depended upon. It seems to me, taking part in the discussion for a moment, because this is a question that affects our city very seriously—we have no incinerator, and we have not built any, because we were waiting until the experimental stage was passed, if we could ever get there, and are dumping our garbage out into the ocean, which is not altogether satisfactory.—it seems to me, from what consideration I have given the subject, and it is one that interests us very much, that the incinerators, as far as now developed, work much better where there is a small quantity of garbage to be consumed, that is, where the tonnage is small, there is less difficulty than where it is a very great amount. There in Oakland we produce among the cities Berkeley, Oakland, Piedmont, and so on, garbage to the extent of something like 150 tons a day, and of course we would not expect one incinerator to handle it. We rather thought we would build at least three, in order to save haulage. But even a fifty-ton plant, there seems to be difficulty in putting up one that will work as successfully as a small unit plant, such as one of ten tons or less.

Mr. Percy V. Long, of San Francisco: Mr. Chairman, I have had no experience

in these matters, but as a matter of observation, I was out at the new incinerator just constructed for San Francisco two weeks ago, and they are experimenting with it now. Although they have invested a large amount of money in it, it is largely in the experimental stage. And the engineer in charge told me the greatest difficulty they had was with tin cans and stuff of that sort than cannot be incinerated, and to meet that, they have got an elaborate piece of machinery by which the cans are dropped down and run into a place where they are put under a press and pressed into big bundles. But it has occurred to me that this is a problem that will affect the larger cities more than the smaller ones, though I would think that if that could be covered by a municipal ordinance, requiring people who have garbage to separate the stuff that can be separated of that character, putting it into bundles so that it can be carried away, it would help the situation, because that is one of the costly features of an incinerating plant, I take it, and as cities and towns grow, the plant that would incinerate the ordinary garbage, would otherwise prove insufficient to meet the demands of incinerating the material that cannot be burned. That is one of the things that, I say, it seems to me should be covered by local ordinances. Otherwise these smaller places will find themselves, as they grow, face to face with a condition that will call for a considerably greater investment than they have contemplated.

Mr. O. M. Schmidt, of San Diego: In San Diego we have an incinerator that cost \$16,000. It consumes 40 tons of garbage and rubbish a day. It is a five-unit incinerator. Any one of those units will burn eight tons of rubbish and garbage. It costs us, to burn this rubbish and garbage, 48 cents a ton. We have, since this incinerator was built, been separating our garbage and rubbish, and all the garbage and swill goes to a hog ranch. Forty tons a day is consumed by the hogs. As long as we are burning only rubbish, it costs us about 7 cents a day to burn it—that is, for fuel, and that does not include the hauling or the help at the incinerator. But 7 cents a ton pays the fuel bill, and the incinerator

is working very satisfactorily, and the health officers at San Diego, on account of the fact that we have no odor at all from the incinerator, suggested that we build several incinerators in different parts of the city, so as to save the cost of haulage. I think our incinerator is a very good proposition for any town to take up. The hog ranch is very glad to get the garbage and swill, and pays us \$500 a month, or rather pays it to the contractor for hauling the garbage and swill to the hog ranch and the contractor pays the city for the privilege of using this incinerator, \$225 a month for the privilege of having the contract to haul the garbage and swill. He, of course, gets from the hog ranch the \$500 that they pay for it.

Mr. Long: What do you do with the cans and wire and such stuff as that?

Mr. Schmidt: We are reclaiming land in the bay there, and so we dump all the ashes and cans into the bay, reclaiming land that will be very valuable some day. In the larger cities, where they have manufactories who utilize those cans, they put in a smelter and make sash weights out of the stuff, I understand.

Mr. Long: You say you do that in San Diego?

Mr. Schmidt: No, we don't do it in San Diego.

Mr. Long: Do they do it anywhere?

Mr. Schmidt: Yes, back East—make sash weights out of the old tin cans and things of that sort.

Mr. Norman E. Malcolm, of Palo Alto: We have just finished or have just about completed, a garbage incinerator for Palo Alto, at a cost of \$15,000. It strikes me that the first thing in looking into the question of a garbage incinerator is to get the right kind of a contract, that is, a contract with an absolute guarantee as a safeguard. We had such a contract with our people (we have a Dundon), and unless it comes up to the guarantee, all moneys for the construction of the incinerator are repaid to the City of Palo Alto, and we have a year in which to continue our tests. The next most important step is that suggested by Mr. Long, to-wit, the proper kind of an ordinance regarding segregating tin cans

and matters of that description into one receptacle, separate from the garbage to be burned. We also intend to pass an ordinance whereby the incinerator will be self-supporting. A charge is made, but it is going to be a municipal affair. We have surrounding us the cities of Mayfield and Menlo Park and Stanford University. They will probably take advantage of our garbage incinerator to dispose of their garbage. A charge will be made for that. An ordinance will regulate the charges. Those matters I simply throw out as suggestions in the establishment of a garbage incinerator.

Mr. J. J. Jessup, of Berkeley: I do not wish to suggest that this program be curtailed, Mr. President, as this appears to be a burning question with all the cities. I notice, however, that this afternoon we have the subject of garbage incinerators for small cities upon the program of the engineering section, and I think the topic appears on the program in even another place. So that perhaps, if the gentlemen interested would attend those sessions, we might take up other matters at this session.

The President: Mr. Jessup is correct. The topic is before the Engineers and Councilmen and Street Superintendents this afternoon. I hope that the members will avail themselves of the opportunity to listen to the discussion there.

Mr. E. A. Mansfield, of San Jose: I would like to ask the gentleman from San Diego what percentage of the garbage that is handled in that city and which goes through the incinerator, cannot be destroyed.

Mr. Schmidt: About 10 per cent.

Mr. Mansfield: What do you do with that 10 per cent?

Mr. Schmidt: Dump it, as we do with the tin cans and other refuse mentioned, toward filling in our land.

The President: Is that enough light upon that question, or do you want to hear from other cities? I would suggest that the delegates interested like those of the city of Napa, attend this afternoon's session and listen to the paper. The writer of it ought to be able to give a good deal of information. I do not want to change the subject, if the delegates want to continue the discussion

further, and I would be glad to hear from anyone else who has any information to give or any suggestion to make.

Mr. John B. Henck, of Santa Barbara: The thing that has troubled us most during the past year has been to get a main thoroughfare paved throughout the city. We started several years ago with a plan to do it, we had already paved streets up through the center of the town, but we wanted to get an entrance from both directions to join to those paved streets. We tried first to make a big district, including both ends of the town. We were thrown out by the courts, on the ground that the district was divided into two parts, entirely separated from each other, and that that could not be done. Then we tried to divide the town into three parts, putting on one side all the paved streets in that district, and dividing the other side into two. Again we were thrown down, because, although the district on the east side was not divided by any paved street or other separating line, the work to be done was not continuous throughout the district. It came to a certain point, and then there was a break and then other work was carried on further up. Now we have started again by dividing that district into two parts, and we hope to get through. But the trouble is, that the work to be done, a large part of it, runs through cheap property, which cannot stand the expense of paving. The city as a whole needs the thoroughfare. So we have made a big district, aiming to include on both sides territory sufficient to pay for the work. Now some of those who can best afford to stand the expense are rising up in arms against the assessment, because they are a little bit off the line of improvement, and whether we are going to get through, or not, I don't know. I should like to know whether other communities have similar experiences, and how they get over them.

The President: I think we all have those difficulties to meet, and the thing is to be sure you are right in your proceedings, have them legal, and then draw your district in the way that seems fair, and then go at it. Under the amendment of the street law by the last two

legislatures, of course the governing body has control now. You can override a protest. It used to be that a majority protest stopped all work for six months. Largely through the work of the League, we have that amended so that I think a four-fifths vote of the governing body can overrule a protest. And my experience is, if it ought to be done, go ahead and do it, and the people that complain and object are usually much pleased afterwards. They are more pleased than even the others. Of course, one has to consider the ability of the people in the district to pay. That is a very important matter. You don't want to impose a burden upon poor people. But the bond act, the five or ten year bond act, is a very simple way, and it helps very materially to secure paving work. I know we are using it up there a great deal. In fact, all of our streets now are practically being paved under the five year bond act.

Mr. Henck: We do that, too.

The President: In Oakland we have had the same experience. Those that can best afford it are the first to protest and object, and the man who can least afford it is always willing to have it done and to meet it. That, I say, is our experience. There are others here, of course, who have wrestled with this problem, and we would like to hear from them.

Mr. Mansfield: I think the question of street construction in all of the municipalities of this State, is a very great question. We in San Jose have been constructing miles of street there with a concrete base and bitumen surfacing, and we are doing it at an expense ranging from 14 cents to 20 cents per square foot, making the ordinary 60 foot street run something like between \$5 and \$6 a front foot for the property. I think if this convention, or any man, can devise street improvements that will be permanent, as nearly permanent as you can get them, it will be a boon to the municipalities of California. I think there should be, and I think there is a way to build a street at less expense than the present method, and if there are any of those in the convention here that have

any suggestions along that line, it will be of much value to us.

Mr. B. D. Marx Greene, of Antioch: In regard to the question of the separation of the districts, and the proposition for the small towns to pursue, I think we solved the problem in the small city of Pittsburg last year. We have a floating population there, with a great proportion of our citizens of the poor Italians who fish in Alaska and are only home a few months in the year. They are none of them people of large means, and all own their own homes, and it would practically bankrupt them to have to pay out their street assessment in one installment. In regard to construction, we have found the finest type of rock macadam, with eight inches in the center and six inches at the curb, costs not to exceed \$3 a running foot on the street, and in order to save the property owners the large advertising and incidental expenses, we devised a method which I believe has never been attempted before in any city. We took about fourteen separate streets. In some places there was paved property in some portions of the streets we desired to pave, or else we left certain streets unpaved which we did not have to do at that time. We united them all in a district, not for the purpose of really making a district assessment, but for the purpose of saving the advertising and incidental expenses, and we assessed the property on each street really on the front foot plan. To make the district entire and put in the whole circle, we put a very nominal charge on those lots, which were really not benefitted. And we not only paved about fourteen streets in one proceeding, but we issued nine-year bonds under it, too, and I don't know of any case where bonds have been issued under a district assessment. We didn't have a single protest to the whole work. As a matter of fact I believe about 80 per cent of these people paid up in cash when we didn't expect but 10 per cent in cash. I think that is a method of solving it with the small town, because you will save an enormous amount in advertising, especially if there is only one paper in the town, and they charge you a dollar

an inch; and also, where the engineer can be put upon the percentage plan instead of on the regular front foot plan. I think that ought to appeal to many of the small towns throughout the State.

Q. You say that was done at a cost of \$3 a front foot?

Mr. Greene: Yes.

Q. You mean on either side of the street?

Mr. Greene: Yes.

Q. How did you dispose of the bonds?

Mr. Greene: The contractors took the bonds, and they found a very ready market for them. I believe, as a matter of practice, they resold their bonds for cash at 96, which is rather remarkable in our part of the State. Ordinarily 92 is supposed to be pretty good, because the contractor usually figures 10 per cent advance when it is a bond proposition. The contractors took the bonds in the first instance.

Q. What rate of interest did the bonds carry?

Mr. Greene: 7 per cent.

Q. Nine-year bonds?

Mr. Greene: Really a ten-year bond, only the 1911 improvement act says that they shall mature nine years from the 2nd day of January succeeding.

The President: I want to state that, owing to the wide use of this bond method of doing street paving, investors have come to understand the security of those bonds, those street improvement bonds, and the market is improving all the time. I know in Oakland we had great difficulty in getting that method started, because contractors could not dispose of the bonds. But now people who have money to invest are looking for those bonds. They are good security and pay a good rate of interest, and they are very practical. Los Angeles and the cities about here have been doing that for a number of years, and they have a fine market, and can dispose of all the bonds that can be issued. Around San Francisco Bay, it is now becoming well known that those are good security, bear a good rate of interest, and they are sold very readily. I think the contractors have no difficulty in disposing of them, and are glad to take them.

Q. Are they issued in small denominations?

The President: Well, I don't know about that. I don't know what denominations they are issued in. It will be whatever the assessment is. There is a bond to cover each assessment, and in most instances they will be small.

Mr. Skaggs: I would like to ask of some delegate from the smaller cities, how they overcome their charters and issue these bonds. In our city we have a freeholders' charter. We took up the bond proposition about a year ago thinking we were doing the people a great favor, something that would boom the town, by amending the charter so we could issue ten-year bonds for street improvements, but the people beat it ten to one. As I understand it, there is no way to overcome that difficulty, except by amending the charter.

The President: Do you operate under the State law?

Mr. Skaggs: No, we have a freeholders' charter.

The President: And that does not provide for street improvements?

Mr. Skaggs: Yes, we have gone to work and adopted a charter that practically involves an ordinance to tell you how you may do. There is practically a street improvement ordinance in the charter.

The President: If you act under the so-called Vrooman act, and the amendment to it, it is provided in there for the issuance of bonds, and you do not have to submit them to your people. But if your charter provides for the proceedings for doing street work, of course you must operate under that charter.

Mr. Skaggs: That is what our charter does.

The President: It seems to me that your attorney could look that up.

Mr. Skaggs: We have had it up with him lots of times.

Mr. Emmet Barber, of Huntington Park: We have been making street improvements for the past six years, and have found very little difficulty in getting the contractors to take our work, and to do it properly. We have put in something like 12 or 14 miles in the last four years of street improvement and

sidewalk on both sides. Last year we constructed what is termed Pacific Boulevard, which connects Los Angeles with Long Beach. It is 120 feet wide, and has a car line in the center, and curbs 15 feet from the property line, which gives us 90 feet from curb to curb and 30 feet on each side of the railroad line for improvement. We put in last year a rock macadam pavement, eight inches in depth in the center and four inches at the curb line. We had no difficulty in letting our contracts at a reasonable figure. The cost for the thirty feet was a little over \$3.00 per front foot, and it was well done and compares favorably with any macadam work that has been done in the county. It was completed in November. I think, last year, and we have had as thorough a test as many streets get, from the heavy hauling through from Los Angeles to Long Beach, and all the automobiles, and there is a continuous string almost day and night from Los Angeles to Long Beach. That has been, I say, a thorough test, and has given us proof that the macadam pavement has been about as cheap in the long run as any pavement we could put in. We have talked of other pavements, but we finally concluded that the macadam pavement would give us the best service.

The President: Is this an oil macadam?

Mr. Barber: Yes, an oil macadam. Six inches of rock, and fine rock on top of that, rock screenings, and then the oil on top, sanded. And then the surface is wearing well and giving us good results, and we have been highly pleased with the method of paving and with the kind of paving we have got, and it seems to be successful. While we are a town of only about 3000 inhabitants at the present time, and we are only eight years old, we have improved nearly every street in our town, except some of the short ends, and we are going to continue to improve those, and we have had very little difficulty, have gotten good fair bids, with numerous cities, and we have been comparing with bids on work in Los Angeles, and we have really gotten the lowest bid. The bid on Pacific Boulevard, we had something like eleven

bidders, and the work was taken by contractors from Riverside, and they did good work, and we had no difficulty whatever. We seem to be very successful with our street work, all of it.

Mayor R. R. Reibenstein, of Stockton: While we are talking on this subject of street improvements, I wish to state that we have had no trouble in Stockton in letting contracts and issuing bonds under the State law. Last year we let a contract for about \$60,000 worth of oil macadam streets in the residence district, and we had no trouble in letting the contract, had plenty of bidders, and we have done a great deal of that work under the ten-year bond system. Last year we improved a great many of our old streets, in the neighborhood of about \$80,000 worth of work. We use asphalt macadam, and that makes a very good street, with say four or five inches of asphalt macadam and gravel base, and we like that kind of work very much. It gives a good, solid street, and it is wearing well, we have had some of it down for several years. In doing street work under the bond plan, we have no trouble whatever in doing the work or disposing of the bonds.

The President: It is a good deal a matter of habit in street work, to get the public into the notion of it, or into the idea that they are better off, their property values increased and everything is better and cleaner. When that point is reached in the public mind, street work goes along very easily. If they get into the way of protesting and stopping and doing nothing, they keep it up, but if you get them into the habit of doing, it goes along very easily, and there is no greater asset a city can have than fine streets. That is a thing that comes under the eye of the tourist and sight-seer, and it is certainly a certificate of good character. I believe that a city makes a mistake in not doing its part in that respect.

Dr. H. E. Piper, of Santa Cruz: Of course we are greatly interested in good streets, and we can't get along without them. But in our little municipality, there is very little difference between the bids of the competing contractors, and we sometimes marvel at the similar-

ity. I would like to ask the Mayor of Stockton as to the cost of those street improvements that he speaks of, and whether or not there seems to be a real competition among the bidders for the work.

Mayor Reibenstein: First we have the plans submitted to our city engineer, and he makes an estimate of the work, and a good deal of this work has been done under his estimate. The asphalt macadam we did last year was done under the estimate of the engineer. We had some of the work done as low as 12 cents a square foot, and from that up to 16 cents a square foot. That is a five-inch asphalt macadam, and gravel base. The work that we let here last week, about \$60,000 worth, that had a gravel base, a four-inch gravel base and two inches of macadam and oil and screenings on top of that. There were four bids for that work, if I remember aright—no, there was only one bid, and it was a little above the estimate of the engineer but we did not hesitate to let the contract. But most of our work has been done at about the engineer's estimate, and as I say, sometimes a little bit less.

Mr. Greene: Mr. President, the cost of that work at Pittsburg to which I referred was 12½ cents a square foot for eight inches of rock at the center and six inches of side at the curb—that was the price here a year ago, and within the last year it was 10½ cents, and was done under the bond issue.

Mr. Malcolm: As a suggestion in regard to competitive bids and getting contractors to bid, and real competition, I think that an important question. Palo Alto has finally solved the problem by placing in the freeholders' charter a section which provides that the city engineer shall make an estimate of the work, and that the city can reject any and all bids. Then afterwards the board of public works, if the bids are rejected as being too high, can proceed to do the work, and all acts of the State of California will apply to the City of Palo Alto, and the City of Palo Alto will be the contractor itself with the same rights that the contractor would have in collecting the assessment. That, I believe,

is constitutional, and at the same time we have a whip over the contractor.

Mayor Reibenstein: Our city charter is the same. If we are not satisfied with the bidders, and if we think they are putting up a job on the city, the city can do the work. That is one of the sections of our charter.

Mr. Jessup: This question has been discussed from the legal standpoint, in regard to the bonding. The matter as it pertains to the property holders is the question I wish to raise. In Berkeley we had a great deal of difficulty in regard to part of our property holders about issuing bonds. They object to this method, and they say it destroys their borrowing power, these liens taking precedence over all mortgages, etc., and they do not wish to have their property tied up, so generally the payment is made in cash, in order that there may be no liens upon their property. On College Avenue and Shattuck Avenue, the length of the work on which was a mile each, they didn't want that method of payment—they would rather have the 1911 proceedings without bonds. I would like to know if that has been raised in other cities.

Mayor Reibenstein: It has not been objected to in Stockton. People are glad to have the work done.

Mr. Jessup: They are glad to have the work done in Berkeley, too.

The President: Mr. Jessup of Berkeley asks whether any other cities have had such objections raised to the bonding method of street improvement work.

Mr. Henek, of Santa Barbara: As I understand it, Mr. Chairman, there is no compulsion about taking bonds. Anybody can pay cash if he wants to.

The President: That is right. When the work is finished, then if you want to pay cash, you can do so, and if you do not, you can take the bonds.

Mr. Jessup: The bids are always from 10 per cent to 15 per cent higher under the bonds, and consequently the contractor gets that advantage if it is paid in cash.

The President: It is reflected in the bid if it is a bond proposition, then?

Mr. Jessup: Yes.

Mr. Allen H. Wright, of San Diego: On the matter of bonding on street work,

we have taken it up during the last year or two quite generally, and I think it is safe to say that nearly 75 per cent of the bids that come in for street work there, either for grading or paving, are included in the ten-year bonding act plan. Since we started that, we have never had a protest against the bonding proposition, and our protests on street work are practically nil. In perhaps not over 5 per cent of our street proceedings do we have a protest of any kind filed. I think during the past year we have had perhaps three or four on street work ordered by the council, and we find the matter of bond issues a very popular way of making street improvements, and we are doing an immense amount of work as our city engineer here can state. It is possible that, on account of the bond feature, there is a slight increase in the size of the bids. I notice that at times the contractors coming to my office for bidding blanks will ask if it is under the bonding act, or whether it is a straight paving contract, and I think they shade their bids a trifle in order to cover any sale of bonds below par. There are two or three bonding companies in our city that are taking up the bonds as rapidly as they are issued. They are all handled through the city tax collector's office, and the bond houses are ready to take those bonds right off the hands of the contractors, as fast as the work is completed and the bonds are issued.

Mr. Gwan, of Sacramento: In regard to the bond act, one of the greatest difficulties in street work that we have in our city is in getting the work done. We have a rather long street leading into the old city, and that difficulty has particularly been experienced there. Where you have to have at least 50 per cent of the property owners in favor of the improvement, it is by no means an easy thing with us. We have never attempted any improvement under the bond act. We feared that if we did, the contractor would put a much higher price on it than we could otherwise get, under the Vrooman act. But it seems to be necessary to do something in order to get this needed improvement through. I am interested in this bond act discussion for that reason. I would like to know if any

other city has done improvements under both bond act and Vrooman act, and whether they have noticed any great variation in price. Under the Vrooman act, we get a good macadam pavement for about 10 cents a square foot, and I think the work we are doing will compare favorably with oil macadam. We have practically given up the oil macadam method of improvement, owing to the fact that we get the asphaltic concrete or bituminous concrete for perhaps a cent or a cent and a half more per square foot than we can get the oil macadam, and we think the streets are enough better to pay the difference. Using the asphalt cement binding, we find it very successful. For twelve or twelve and a half or thirteen or fourteen cents, we have the work done. One point that was made was the fact that the city, the small city, would take over the contract if the price was not right. In that event, it would have to be a pretty good sized city to be able to put up an asphalt plant with only one job in sight. The main thing for the smaller cities, is the size of the job. The size of the job means more in price than any one other factor. I think the small cities that do not have contractors and plants, should plan to have as much work done at one time as possible, in order that the contractors outside would have something worth their while to come there for. In that way, they would certainly get lower bids. I would like to hear from some delegate who has had experience with prices under the bonding act and under the Vrooman act, to see what variation there is.

The President: The trouble is that we have rather drifted away from the problem. The problem was how to encourage new street work, how to avoid and overcome the objections. We are drifting into details now as to the question of paving and cost, etc. That is a question that the gentleman from Santa Barbara asked. The problem presented was how best can we overcome the objections and persuade the people that they ought to do the work. Let us stick to that, because if we get off into the details of kinds and cost of pavements, we won't finish in all day.

Mr. Ey: I believe I am as much interested in this subject as any delegate who has had the floor today. Our county has voted two and a half millions in bonds for street improvement. Our banks of Orange County, in order to get the benefit of the \$18,000,000 for a State highway, have bought \$200,000 worth of bonds and paid for them, notwithstanding that the \$200,000 of bonds have been taken away from our banks and been put in the treasury. I hope we get them back. The point I want to raise is this: We have in the neighborhood of 100 miles of residence streets which are paved. Up to now, I have watched every speaker, and I have not heard of any work that has been done where it cost less than 10 cents a square foot. The gentleman here, speaking of the 30 feet in width for \$3 makes that work amount to 10 cents a square foot. We have streets which run perhaps for several miles in length, and in front of acreage property, and not very good property, at that. We feel compelled to improve those very streets, in order to meet the State or county highway. I would like to know if there is a method within the knowledge of any of the delegates by which we may accomplish this for less than ten cents a square foot, and get a good surface. I would state, by the way, that we have no rock in our mountains or hillsides, as our inhabitants use our hills for lemons and oranges. What we are using at this time is the gravel out of the river beds, and cement, and we are using from four to five or six inches of concrete, and then putting one inch or an inch and a half to two inches of asphalt on top. The very cheapest we have been able to do so far has been, with four inches of concrete and two inches of asphalt, at the rate of ten cents. And by the way, I would say that we haven't but one contractor, and he seems to be able to keep the others away from Santa Ana. I believe you all meet with the same problems regarding paving. If there is any man present who will help us out in getting a cheaper pavement, and one that is a good one, I will be very thankful to take the information home to my people.

The President: I suggest that we try to stick to the problem. We can't take up the cost of paving at this time. That is for another department, and it will be fully discussed. The problem is, how can we persuade the people to allow the work to be done. If anybody can tell us how to do that, we want to know it.

A Delegate: I take it that a corollary to this proposition is that there would be no difficulty in getting the people to pave, if the price was right.

The President: That is a matter for the engineers, I think.

Mr. Malcolm: I would like to hear from Mr. Long in regard to the charter provision that was spoken of, and the cities standing behind the bonds.

Mr. C. W. Guerin, of Pomona: Answering this gentleman's question about how we can get the people to take hold of street work, we are in the same situation in that we have a good many miles of street that are acreage streets, so that it is pretty hard work to get the work done under the Vrooman act. We tried it there and it didn't work—but just before we took up this recent bond election, where we voted \$75,000 for street improvements there to connect with the State Highway, we first petitioned the people along the acreage property to find out whether we could get the majority of the signers to pay one-half of the street improvement, and we found that by raising a bond to meet the other half, that we very readily got their consent. That came through fine, and we got a big majority. By doing so, the voters were ready and anxious to vote the necessary bonds therefor. Of course, as to the price, we don't know what that will be.

Mr. W. H. Williams, of Redlands: I would like to answer that last question. I was cautioning you about voting bonds to improve a portion of the street. We tried that in Redlands. We voted bonds and agreed to pay one-third of the expense, and each of the property owners on the two sides of the street one-third. But it is a very bad precedent, and we are having trouble all down the line on account of it. We have had a few streets to pave, and that matter comes up every time.

The President: Mr. Long, will you explain here the matter that was pointed out by Mr. Locke?

Mr. Long: I can explain the theory of it. The detail I haven't in my mind, because it is some time since I looked at the amendment. But the experience of all cities has been, I think, that contractors fear to a greater or less extent to take chances upon street improvement proceedings, and for that reason, when they bid, they bid on a margin of safety for prospective litigation. There is no doubt of this fact, that contractors have lost a great deal of money in this State through defective street assessment proceedings, through no fault of their own, but through the carelessness or indifference of city officials or city clerks. A great deal of money has so been lost, and a great many men have been forced into bankruptcy by it. It has been unfair. Where money has been lost through the negligence or defective proceedings of the officials of the municipality, the municipality should stand behind the loss, because in the final analysis, the improvement of the street, although it immediately benefits the property of the individual owning the adjacent property, is really a benefit to the entire community. We have tried to work out this theory, and I think we have worked it out, although as yet it has not been put to a test, and that was to permit the issuance of ten-year certificates for street work and for tunnel work, the certificates to be taken up by the city, the city providing a \$500,000 what we call revolving fund, into which goes all moneys for street work and moneys received from whatsoever source relating to street work. As the period of maturity for a certificate nears, the city, if there is sufficient money in this revolving fund, will take this certificate up, all of the time guaranteeing the payment of it. It has this effect, it relieves the contractor of the necessity of going to the property owner to recover what is due for street work or tunnel work. And that is as it should be. If the theory could be worked out, and we did attempt to work it out in the last legislature, but in the rush of bills before the Governor in the closing days, which were alluded to, for

signing bills, this bill unfortunately was lost in the shuffle and was not signed. It would permit the municipalities to work out this plan. The plan is that the municipalities supervise the proceedings, and stand between the certificate holders and their money, in effect making the same municipal securities. That affects the contractor, who knows that the municipality, with its machinery, will collect the amount due for the work, and if there is any difference as to liability, it would not be between the municipality and the contractor, and he will not be compelled to go after a number of individuals, thus increasing his cost and increasing the hazard of the contract. I am in hopes that the next session of the legislature will perfect that and crystallize it into a law, so that the contractors can bid somewhat near the value of the work, rather than bid on an element of risk. I repeat that the municipalities should stand between the contractor, when he is honestly going into the work and observing the conditions of his contract, and the property owners and not compel him to fight lawyers who will take cases on contingencies in order to relieve a property owner, and even fight the property owner who feels that, now that he has got the improvement, he would like to get out of paying for it, which is frequently the case. As a matter of fact, our Supreme Court reports are filled with decisions where contractors have lost their money through technicalities that the courts really should have overlooked.

There is another phase of that. The courts are far more reluctant to determine against a municipality than they are against the contractor.

I have just sketched this hastily, because, as I say, the details of this bill are not in my mind. It was not drawn by me, although it was drawn in collaboration by the office, and the plan was to work out that theory, and I think we worked it out in every detail.

Mayor F. C. O'Neill, of San Diego: In El Paso, Texas, some years ago, they had a plan somewhat similar to this one, I think even a little better. The contractor, in grading the street, had a lien for doing the work that was a first lien

against the property, and the city would take this as its own lien, and the property owners would save the city 7 per cent, and the city issued its bonds at 5 per cent, so that the city paid 2 per cent, and with that 2 per cent the city paid for the interconnections. I think that would be a very good plan, if we could get our municipalities here to adopt it.

Mayor Reibenstein: The greatest problem that we have in Stockton is the problem of sewage disposal. Twenty-five years ago we installed a sewage disposal system, and our city has grown so fast that it has become necessary now to enlarge our outfall sewer. I believe we have the matter now under control. We have employed Mr. C. E. Grunsky, of San Francisco, who has prepared a plan and reported to us an estimate of the cost of the system, and inside of two months we propose to vote \$575,000 in bonds to take care of the sewage problem in Stockton. I believe that the plans that we have now indicate that we will have one of the best sewage disposal plants on the Pacific Coast.

The President: Then I understand from the speaker that Stockton has the problem and has solved it, so there is nothing we can say to help him.

Mr. D. J. Hall, of Richmond: Richmond has had a very serious problem confronting her in the past year or more, and that is the question of water. Underlying the city of Richmond is a vast water table, controlled in large part by the Peoples Water Company, which company is chiefly our source of supply of water. There are wells sunk in the outlying districts all through Richmond, and a great deal of that water is taken down to Berkeley—in fact, we think Berkeley gets the cream of it, and we get what is left. Richmond, like many other rapidly growing cities, has scattered a great deal. We have a population of some sixteen or seventeen thousand scattered over a great deal of territory. Our main difficulty has been to get extensions of the mains. As a portion of the town grows up, a difficulty arises with the company to get them to extend their mains. They claim they have not the money to do it with, and that it doesn't pay them. That difficulty

extends to our fire protection problem. In Point Richmond there is a reservoir which is the only fire protection the city has. About a year ago, that reservoir became almost empty, and the city was without fire protection, and when the protest was made to the company, they calmly announced that some deep water vessels had come in that had to have some fresh water, and they had taken the water away from the City of Richmond and given it to the deep water vessels. There have been a number of discussions between the officials and that company in relation to extending the fire protection, and they have met us always with the proposition that they have not the money to make the necessary extensions, admitting that they should be made, but claiming that they have not the money to make them. And they claimed it would not pay them to extend their mains. Richmond is going to solve that problem. We have established a water district under the law of 1911, and the plan now is of bringing in the waters of the Sacramento River. We propose to go up as far as Antioch, and put a line across, and bring in about 12,000,000 gallons of water daily, and we expect to bond for \$2,300,000 for that. That will take some little time, of course, and again we are confronted with the problem that, if we are going to own our own system later on, the Peoples Water Company will not extend their mains and will do nothing to supply us with the water now needed. It has become a very serious problem with us. In some portions of the city, if a man wants to take a bath, he has to go to his neighbors and tell them to shut the water off so he can get enough water for the purpose. The problem is, what power under the law is there to compel them to make reasonable extensions of their mains, and to supply adequate fire protection.

The President: I suppose there is only one answer to that, Mr. Hall, and that is, public ownership.

Mr. S. C. Evans, of Riverside: Not to digress, but the noon hour is fast coming, and there are some matters to come before the convention. I move you, sir, that the chair appoint a committee of five on resolutions, to which committee

shall be referred all resolutions of this convention.

The motion was seconded from the floor, and, upon being put, carried unanimously.

Mr. Kirkbride: I think there are two other committees that ought to be appointed. I think we ought to have a committee in memoriam, to prepare suitable resolutions concerning the death of prominent officers of the State that have occurred during the past year, particularly those who have participated in the former deliberations of this League. I therefore move that a committee of three be appointed in memoriam, to prepare suitable memorials for that purpose.

The motion was seconded from the floor and carried unanimously.

Mr. Kirkbride: Mr. President, so long as we are on the subject of appointing committees, I think another one should be appointed, to take proper action concerning the matter suggested in the secretary's report, and that is, the reform in the matter of legislation of the State of California. I believe we vote upon the question of a new constitutional convention next year, and anything as big as that will affect municipalities in about every way imaginable. I therefore move that a committee of five be appointed to take under consideration that subject of legislation as respects the new constitution, and particularly as mentioned in the report of the secretary.

The President: You want a special committee, as I understand—this is not a standing committee but a committee to serve during the convention?

Mr. Kirkbride: I had in mind a committee to serve during this convention, because probably they might want some action from us as to the future.

The motion was put and carried unanimously.

The President: It occurs to me that, while we are on the committee matter, we ought to have a committee to report on permanent committees. That is the custom, is it not, Mr. Locke?

Mr. Locke: Yes, sir, that is the custom.

The President: A committee to report back and make suggestions for the

standing committees to serve during the coming year.

Mr. Locke: I so move, Mr. Chairman.

The motion was seconded and carried unanimously.

The President: This matter that Mr. Hall, of Richmond, presents, is very important. I think every city that has been served by a private corporation, whether for the supply of water, gas or electricity, has suffered a great deal by reason of the difficulty of getting those companies to make their extensions as fast as the cities grow. Of course, the companies have some reason and some argument on their side as to why they should not go out a half mile to one or two houses. But that is not always the case. I know it in my city, and I presume you all know it, that they do not put in their extensions as fast as they ought to, and they do retard the growth of the city somewhat and especially in the outer sections. Now, public ownership, of course, controls it, because then the public attends to it. It is done then in a way that there cannot be any complaint of. Has anybody here anything to suggest?

Mr. Delau: Q. Do you own your own distributing system?

The President: No, we do not.

Mr. Delau: Q. What is the trouble—that they will not extend the system, or haven't they supply of water?

The President: That they can't afford to do it. They say the Commission has reduced their earning power to such a low figure that they cannot get the money for extensions.

Mr. G. A. Delau: I would state our position in Redwood City. We do not own our water supply, but we do own our distributing system. I think the city of Richmond will eventually have a system of its own, and they can easily, without any loss at all, put in their own distributing system, and buy the water from the Peoples Water Company, as we do, and sell it at the same figure, and that will go a long ways towards paying for the expenses of the distributing system. That is the way we did it in Redwood City and do it now. We pay 12 cents for the water wholesale, and sell it at 30 cents retail, and we have enough

profit in that way to pay for our extensions. Of course, the rate is a little high, but you must consider that we have put in seventeen miles of water pipe, and it has all been paid for out of that fund.

Mr. E. Q. Turner, of Berkeley: I would like to say for the benefit of the gentlemen who want to discuss the water question, that there is a gentleman here today who has prepared an elaborate paper on this question, Mr. Greene, who is the attorney of Antioch, and also of Pittsburg, and he has given a great deal of thought and time to his paper, and I think we ought to defer the discussion until we hear from him tomorrow. Every man in this convention should be here, because there is no greater question before the people of this State today than the water question. While I am on my feet, I want to say that there are several committees to be appointed here, and it is hardly for the guest to criticize the host. But our cities are entitled to something, and we come here at great expense to our communities, and some of us gentlemen are invited to come here and read papers of great length and of great interest to us, and yet we cannot hear them. The acoustics of this place are horrible. The doors should either be closed or we should go somewhere else to meet. I say this not in a spirit of harshness, but I say that we owe our cities something.

The President: I think that is very well said. We will try to take the matter up.

I will now announce two committees:

Committee on Resolutions: S. C. Evans, of Riverside, Chairman; Percy V. Long, of San Francisco, N. E. Malcolm, of Palo Alto, Mayor A. E. Snow, of Fresno, and B. F. Hudspeth, of Chico. To this committee will be referred all resolutions introduced.

Committee on Standing Committees: Mr. Frank M. Smith, City Clerk of Oakland, Mr. C. S. Batchelor, of Venice, and our Secretary, Mr. H. A. Mason. They are to report back and nominate the standing committees.

We have not yet solved Mr. Hall's problem for him. Can anybody here suggest anything in the way of further local legislation?

Mr. Turner: Would it be well to wait until we hear Mr. Greene's paper upon that topic, Mr. President?

Mr. Frank M. Smith, of Oakland: If you will permit me just one moment, perhaps I can throw a little bit of light upon that. I desire to state that at the last session of the legislature, I was one of the authors of a bill which passed both houses. That bill compelled a water company to carry its extensions, its mains, 400 feet upon the request of three property owners. We took the matter up and went into it very thoroughly with the Railway Commission. I had several conferences with them upon the question of water, and I believe there is a Supreme Court decision affecting the Sunset District of San Francisco, possibly City Attorney Long of San Francisco would be more familiar with it than I, which decision absolutely pre-empted the provisions of our law. I took the matter up with the Governor himself, and he said he did not think, from his reading of the law, that it would be constitutional. The only solution, I think, of the problem, as your presiding officer has said, is municipal ownership. But of course, the question is, what are we going to do in the meantime? That bill also provided that there would be no deposit on lateral connections, and there was another provision in regard to fire hydrants, and it was a concrete proposition to solve the immediate water questions which are paramount today throughout the State. There have been several bills introduced in the legislature and I gave them a great deal of study and a great deal of thought, and I am satisfied today, as I understand it, that we can't do anything through the legislature of this State—I am quite satisfied of that, owing to what I understand of the decisions of the Supreme Court. You can't force them to extend their water mains. Now, our theory—we went so far in that particular law, for instance, in the lateral connections and in the extending of the water mains, and compelling the city council or the governing body, when it fixes rates for next year to take into consideration the amount of money that the water companies had expended in extending those mains and

their lateral connections. We even went so far, as I say, as to provide that that should be taken into consideration by the rate-making power. Yet we were told, and several eminent lawyers of our city have told me, that you can't do it that way. Of course, the Railway Commission suggested—Mr. Eschelman, Mr. Thelen, and several others—that the general, broad proposition might be better handled by them than by the different municipalities. But the question that Mr. Hall has asked is, "What are we going to do before we get municipal control?" I fear from my experience with the legislature that we simply can't do anything, no matter how badly it is needed. Because, unfortunately, particularly in the city of Oakland, and I assume it is so in nearly all the other parts of the State, the water company does not change according to public opinion. And if the Supreme Court of the State has said you can't do these things, I can't see any daylight except for us to all get together and start a wave of municipal ownership, particularly of the water properties throughout the State.

Mr. Long: I don't suppose there is a city in the State that has had to face this problem more than San Francisco. The decision that Mr. Smith referred to, or rather, there is only one decision on the subject, and that was by the District Court of Appeal, on the application of an individual to compel the Spring Valley Water Company to extend its mains. The District Court of Appeal held that there was no authority in law for such action. A re-hearing was granted by the Supreme Court, and it is in the hands of the Supreme Court today, and evidently has been a very disturbing case, because a decision has been expected for many, many weeks. There is a way to solve that, and it seems to me that it is simple, that it should be adopted immediately. We attempted to put it through by amendment to our San Francisco charter at the last charter election, and it failed of carrying. We provided by that, that assessment districts could be created, just as we create a tunnel assessment district, or a street improvement assessment district, and

that district could assess itself for the extension of any public utility, water, gas, or even street railroads, if they saw fit, and could construct the extensions to the already existing public utility, and the company operating that utility would have to furnish service, and would, within a certain period of time of collection, return to the cities that had assessed themselves, the taxpayers who had assessed themselves for those extensions, the cost of the extensions. That is the safest way and the logical way. Because, as a matter of fact, you will find in those municipalities that go into municipal ownership, that one of the great big demands that are going to be made upon the municipality is for the extension of water and gas mains, and that the cost of those extensions is going to be so great, especially in the territory unsettled, that it would swamp them. They should be made to pay so much per front foot for extensions. The city of New York does that, and I think Chicago and St. Louis do the same thing, and it is proper and fair. An extension of a water main or a gas main is a local improvement, local to the particular piece of property that it reaches, and too long have municipalities permitted the owners of large areas to subdivide and sell them upon the theory that they were going to get those necessities, and then attempt to force a public utility, which if it is getting higher rates, can afford to do it, but if it is not, and they are simply asking them to extend their utility into the territory where they are going to get very little revenue, it is not fair. I have been fighting public service corporations for ten years, and fighting them on rate fixing matters, and I want to say that there is a large element of dishonesty in the manner in which municipalities deal with them, and I want to say that I have very little sympathy with them ordinarily, because I believe they are the only corrupting influence in municipal life. But it is not fair, the way it has been fixed, and this is the only way that you are going to handle the immediate necessities, is by a local assessment district.

The President: I am going to suggest that we let further discussion on this

matter rest until Wednesday afternoon, and Mr. Greene has a paper here that has been carefully prepared, and after very much experience on his part, and then we will have a discussion after it is read. Mr. Long's suggestion, however, is a very excellent one, and we of course want to keep that in mind when we hear from Mr. Greene. The hour of noon has arrived, and the next important matter is to have a group photograph taken out on the street. The general body will not convene in session again until tomorrow afternoon at two o'clock. In the meantime the other departments, that is, the Department of City Attorneys, the Department of Clerks, Auditors, and Assessors, and the Department of Engineers, Conneilmen, and Street Superintendents, as outlined

in the program, will meet in this building. At five o'clock this afternoon, as the program indicates, there is to be an exhibition of a speed trap, a device for catching the automobilist who breaks the law. After the secretary has read some announcements, and a telegram from the president of the Lincoln Highway Association, the meeting will stand adjourned.

Announcements made by Mr. Locke and the telegram in question read.

The President: The telegram will be referred to the Committee on Resolutions, and if anyone has any resolution that he desires to have presented at this time, it will also be referred to that committee, and the committee may report at the next session.

(Adjournment.)

CAN A TOWN TRUSTEE HOLD ANOTHER MUNICIPAL OFFICE CARRYING A SALARY?

An Interesting Opinion Rendered Recently to the Board of Trustees of the Town of Sausalito

Hon. Board of Trustees of the

Town of Sausalito, Marin County, Cal.

Hon. Sirs: At the request and direction of one of the members of your honorable body, I have made an investigation of the law with respect to its bearing upon the following questions:

1. Whether it is lawful to withhold from the incumbent of an elective office the salary provided by law for such officer, by reason of the failure of such incumbent to perform the duties of such office.

2. Whether it is lawful for the Board of Trustees of the sixth class to allow compensation to one of its members who has been appointed to fulfil and perform the duties of a clerical or ministerial office or position under the municipal government.

3. Whether it is lawful, in filling a vacancy in the office of clerk, to appoint one who is a member of the Board of Trustees of the town, and whether it is lawful to appoint as bookkeeper of the municipal water supply system one who is at the same time a member of the Board of Trustees.

I have been unable to find any statutory provision in any of the laws of this State, nor any decided case of the appellate courts of the State, directly answering the question first mentioned herein.

There does not appear, however, to be any reason why a public officer should be entitled to demand and receive compensation for unperformed services any more than an employee of a private individual or corporation would be entitled to demand and receive such compensation for unperformed services.

Of course, a public official cannot be deprived of the compensation incident to his office by diminishing the duties of the office or by entirely dispensing with the services of the officer, for this would in effect be a violation of the constitutional and statutory provisions against the increasing or lowering of compensation during the term of such officer.

Marquis v. City of Santa Ana,
103 Cal., 661.

Conversely, it certainly is not in the power of the officer himself practically to increase his compensation during his term of office by voluntarily neglecting and refusing to perform all, or

the greater part of the duties imposed upon him in virtue of his office.

It has been held that an officer was not entitled to pay for merely colorable attendance upon his office.

Vincent v. Mecosta County, 52 Mich. 176.

I am of the opinion that the Board of Trustees, in the exercise of its authority in auditing demands, has the power to refuse to audit and to reject a demand for compensation made by an officer of the town, whether elective or appointive, where the services required to be performed by such officer were not performed by him, and by reason of his failure and neglect to perform the same, were rendered and performed by another person employed by the Board of Trustees for that purpose.

Second: I have made a careful examination of the laws of the State bearing upon the question secondly herein named, with the result that I find no constitutional or statutory inhibition against a member of a Board of Trustees from receiving compensation for valuable services rendered by him to the municipality, at the instance and request of the Board of Trustees.

Section 886 of the Municipal Corporation Act, providing that "no officer of such city or town shall be interested directly or indirectly in any contract with such city or town," etc., does not apply to this question. This inhibition clearly relates to contracts of a public nature, involving street work, supplies and other public work. Moreover, the authorities hold that the relation of a public officer or employee in the government does not arise out of or depend upon "contract" in its ordinary and general sense.

I can see no reason, therefore, why the actual, rather than the theoretical incumbent of the office should not be entitled to receive and be paid as compensation the salary fixed for that office, whether such actual incumbent be a member of the Board of Trustees or any other person. Particularly so, since the salary of the office can neither be raised nor lowered during the term provided by law. For, in this instance, there is no conflict of interest between the member of the Board, as such, and the clerk, or

himself acting as such clerk during the unexpired term. Indeed by express provision of the Municipal Corporation Act, a member of the Board of Trustees is eligible to fill the office of clerk, and discharge the duties of that office, in the absence from his post of the clerk.

Sec. 859 Municipal Corporation Act.

Third. In this proposition is involved the question of the lawfulness of the occupancy of more than one office by one and the same person.

It may be stated at the outset that there is no inherent unlawfulness in one person holding two or more public offices, and that such holding will not be unlawful in the absence of a positive constitutional or statutory inhibition, or unless such occupancy of more than one office, by reason of incompatibility or conflict of interest would render it contrary to public policy.

The limits of eligibility to hold more than one office, are usually fixed and determined by constitutional and statutory enactment.

The only constitutional provision in our State on this subject is to be found in Section 20, Article 4 of the Constitution, wherein it is provided that no person holding a lucrative office under the United States Government shall be eligible to any State office of profit, excepting postmasters whose salaries do not exceed five hundred dollars per annum. Also, Section 19 of the same article declaring that senators and assemblymen shall not hold certain offices, therein specified. And also the constitutional provision that a person shall not at the same time perform the functions of any two of the departments of government, viz.: Judicial, legislative and executive.

As to this latter provision it has been held by our Supreme Court that this does not apply to offices other than such as pertain to the State government.

People v. Sanderson, 30 Cal. 130.

People v. Provines, 34 Cal. 520.

In the case of People versus Provines, it was held that the Police Judge of the City and County of San Francisco was not inhibited by the constitutional provisions above referred to from at the same time filling both the office of Police Judge and Police Commissioner, and

also holding that the two offices were not incompatible.

I have examined the several codes of the State, the general laws, as well as the municipal corporation act, above mentioned, and have found no provision specifically prohibiting a trustee or member of a Board of Trustees of a municipality of the sixth class from holding another office in the municipality.

As before stated, I do not regard Section 886 of the Municipal Corporation Act as having any bearing upon the question, because as I have already stated the appointment to and occupancy of an office is not a contract within the meaning of the provisions of the above named section.

It remains then only to consider whether the office of Trustee of a municipality of the sixth class is incompatible to that of Clerk and bookkeeper.

Incompatibility would exist where there would be a conflict of interest between the two offices. That is, if for the purpose of carrying out a system of checks and balances the functions of each officer would be such as would come into conflict, such as exists between the Clerk and Tax and License Collector for example, the two offices would be incompatible. The office of Town Trustee and Town Clerk would probably be held to be incompatible, if the compensation of the latter depended upon allowances to be made from time to time, according to an accounting rendered by the Clerk to be passed upon and approved by the Board of which he is a member. But here there is no adverse interest, since the salary of the Clerk is fixed by ordinance, as well as of the bookkeeper for the Municipal Water System, and that can neither be raised nor reduced during incumbency. The duties to be performed in the two offices respectively do not conflict in any particular, either in their individual or official capacity. It might be added here, that if the State Legislature regarded these offices as being incompatible, it would not have provided, as it has, in Section 859 that one of the members of the Board of Trustees might be appointed Clerk pro tem, in case of absence or inability of the Clerk.

At page 335, Vol. 23, American and English Encyclopedia of Law, will be

found a long list of offices which have been held not to be incompatible, and therefore could be occupied by the same person, among these were: Members of the legislature and bridge committee appointed thereby; member of the assembly and assistant clerk; township supervisor and deputy sheriff; city assessor and member of the Board of State tax commissioners; alderman and public printer; master commissioner of circuit court and city attorney; common councilman and town clerk; and many other similar subordinate offices are enumerated here as not being incompatible. There is also given a long list of offices which have been held to be incompatible on page 334 of the same volume, and there seems to be a vast conflict of authority on the subject. But I believe the conflict is apparent only, since the cases cited in support of the incompatibility of the particular office, are predicated upon statutory provisions not found in our State statutes.

Though the solution of this question is not free from difficulty, owing to the multitude of cases which have been cited upon both sides of the question, some of which appear to be in direct conflict, and while time will not admit of going further into details, I am constrained to express it as my judgment and opinion based upon the considerations of what I have read in the short time allotted me for this purpose, that the offices of trustee and clerk are not inherently incompatible, and therefore it is lawful to appoint one of your number to fill the vacancy in that office until his successor is elected and qualified.

So far as the previous action of the previous Boards is concerned the present Board is not without precedent. The records of the Board of Trustees show several instances of its members holding subordinate and other positions in the town government for compensation.

There being a vacancy in the office of Town Clerk, it will be necessary to fill that vacancy before the Board adjourns this evening, or otherwise a special election will have to be called to fill such vacancy.

Yours respectfully,

O. F. MELDON,

Town Attorney.

guaranteed the validity of the proceedings but also agreed to furnish an approving opinion from the most prominent firm of bond attorneys in the United States; besides this, they guaranteed the sale of the bonds. The bill for \$300.00 covered everything.

The city attorney and his associate counsel had watched every step of the proceedings carefully, preparing all the papers necessary, commencing with the preliminary resolution and following with the ordinance calling election; they had prepared all the forms for the ballots and sample ballots, the affidavits of publication and all the other papers required in proceedings of this character. The slightest error, even the omission of a single figure or letter might have invalidated the proceedings and made it necessary to hold the election all over again.

The member of the Board of Trustees who objected to the amount of the bill is a real estate agent. Just a few days before this occasion, he had negotiated the sale of a piece of property in which the consideration was \$8,000. For his services as agent, services which simply involved showing the property to the purchaser, he had received a commission of \$400.00, being the usual commission of five per cent charged by all real estate agents.

The amount involved in the bond proceedings conducted by the city attorney was \$100,000, for which he had asked the modest fee of \$300.00, being less than one-third of one per cent. Were he a real estate agent instead of a mere attorney, and had he simply negotiated a sale instead of conducting the various intricate proceedings involved in a bond issue, his fee would have been \$5000.00 and he would have been paid undoubtedly without a murmur.

It requires many years of study and the expenditure of much money to secure the necessary education to become a lawyer; on the other hand, no special training is required for one to go into the real estate business. Yet when it comes to the matter of compensation the real estate man is graciously paid a generous fee for simply conducting negotiations, whereas the attorney is grudgingly al-

lowed a mere bagatelle, comparatively, for doing work which cost him many years of hard study and sacrifice.

TWO KINDS OF PROPERTY.

(From the Saturday Evening Post of February 28, 1914.)

There is not much sense in the distinction between real and personal property as the law has applied it time out of mind. A farmer takes up a quarter section of raw land and by his skill and industry makes it highly productive. From the produce of his industry he erects buildings and buys cattle, which increase under his care. Presently he has a house, a barn, a thousand bushels of corn in a granary, twenty head of animals—perhaps some money in the bank.

All these things are equally the result of his labor applied to the land. He "made" them, in the sense that they came into their present position of usefulness and exchangeability through his effort. There is nothing more real about the house and barn than about the corn and cattle. They are not even immovable, as the law pretends them to be. So, too, if the land now yields wheat and corn where it formerly yielded only bunch-grass, that is a result of his effort. He made them.

The true distinction is between gratuitous and earned property—between that which is simply a bounty of Nature and that produced by human effort. On this farm the only thing the farmer did not make was the raw land. The United States gave that to him or to some predecessor. No one can earn or honestly make anything without benefiting other people. The farmer's wheat and beef benefit others. If a merchant succeeds it is by serving his customers well. All that a man can produce by his skill and industry he should enjoy as fully as possible.

On earned property taxes should fall lightest. The unimproved quarter section held speculatively for a rise should pay more—not less—taxes than the one that human effort has made useful to the community. The distinction between real and personal property that the law draws obscures the true distinction.

INGLEWOOD HAS A BUSINESS MANAGER.

Pretty Suburban City Near Los Angeles
Takes the Lead in Trying Out the
New Idea for Sixth Class
Cities in California.

An ordinance creating the office of city manager has just been passed by the Board of Trustees of the city of Inglewood. The ordinance was drafted by City Attorney Clyde Woodworth and is the first of its kind to be adopted by any municipality of California.

Under this ordinance the Board of Trustees appoint the manager, and his duties and powers are prescribed and limited in the ordinance. Paul E. Kressly the present city engineer of Inglewood, has the distinction of being the first city manager in the State, having been appointed to that office by the Board of Trustees after the passage of the ordinance. Under the ordinance the manager virtually becomes the chief administrative officer of the city and directs the work of all departments.

He has power, subject, however, to the control of the Board of Trustees, to see that city ordinances are enforced; to superintend the construction of all public work; to employ and dismiss city employees; to supervise all purchases made on behalf of the city, and direct the work of all appointive officers. It is made his duty to attend all meetings of the Trustees and to keep the board fully advised as to the financial condition of the city, and to make such recommendations to the board as he may deem necessary and expedient for the proper and efficient government of the city.

The idea of a city manager is one which is finding great favor among the larger municipalities of the country, but Inglewood appears to have taken the initiative among the smaller cities in the adoption of this scheme. Inquiries are already beginning to pour in regarding the wording and operation of the ordinance.

Sitting at the plain deal table upon which he has transacted business for two years as city engineer, Manager Kressly said that in his new position he ex-

pected he would be able to save the city some \$200 per month in salaries, and perhaps \$20,000 in general expenses, besides pleasing the public by greater promptness.

"The sudden creation of the position has caught me without definite general plans for the administration of the office," he said. "The advantage of concentrated buying of labor and materials should be evident at once, however, as well as the saving in time and in many things. Where, for instance, it has been necessary for the Superintendent of Streets to spend two weeks in getting authorization for the most ordinary street repairs, he will now receive it as soon as the necessity is evident."

Inglewood's budget was close to the \$200,000 mark last year and more than thirty men are employed in the various departments.

Mr. Kressly has been City Engineer of Inglewood for two years, and owes his advancement to satisfactory work. He is 32 years old and came here from South Bethlehem, Pa., where he was in charge of the engineering work of several small cities, having been engaged in engineering work since his graduation from Lehigh University, twelve years ago. He will continue at a salary of \$2400, which he drew as City Engineer until the new system has passed the experimental stage.

New Charters.

With the knowledge that another session of the legislature will be in session nine months from now, a number of cities throughout the State are preparing to frame a new charter or amendments to their present one. Realizing this the editors of "Pacific Municipalities" have decided to publish in either the May or June issue a synopsis of the new features of the leading progressive charters recently adopted in various parts of the country, together with comments of the leading authorities. It is proposed to devote almost an entire issue to the subject, therefore those cities having new charters in contemplation are advised to wait for this publication.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES.

Buildings, removal of (Mont.).—Where complainant did not own the ground on which a building was located, he had an adequate remedy at law for its removal by the city, and was not entitled to injunctive relief. *Kaufman v. City of Butte*, 138 P. 770.

Constitutionality (Colo.).—Public officers vested with the duty to carry out statutory directions and perform purely ministerial duties should not be permitted to question the constitutionality of statutes as an excuse for their refusal to perform such duties. *People v. Pitcher*, 138 P. 509.

Elections (Wash.).—A vote on the voting machine is a vote by ballot. *State v. Carroll*, 138 P. 306.

(Or.).—That the polls were open for a longer time than that required by law will not vitiate an election. *Parker v. Clatsop County*, 138 P. 239.

(Or.).—An amendment to a city charter, making laws of the State as to holding elections applicable to city elections, does not make the State law as to contest of elections a part of the charter. *Livesley v. Landon*, 138 P. 853.

Eminent Domain (Wash.).—Rem. & Bal. Code, §8005, authorizing condemnation of railway franchises by city, held not to violate prohibitions of federal Constitution against laws impairing the obligation of contracts. *State v. Superior Court for King County*, 138 P. 277.

(Wash.).—As between municipalities contending in condemnation proceedings for the same reservoir site, the one that was prior in time is first in right. *City of Chelalis v. City of Centralia*, 138 P. 293.

In a proceeding by a municipality for the condemnation of a reservoir site, the acquisition of the rights of lower riparian owners by an opposing municipality pending the proceeding, held unavailing as a defense, since that municipality could not thereby acquire the right to divert the waters of the stream for municipal uses, but acquired only the rights of such riparian owners. *Id.*

Incorporation (Cal.).—An incorporated town may legally exist without officers. *People v. California Fish Co.*, 138 P. 79.

Intoxicating Liquors (Cal.).—A town ordinance prohibiting soliciting orders for intoxicating liquors within its corporate limits held not in conflict with the Wylie Act, providing for the establishment of local option. *Ex parte Anixter*, 138 P. 353.

Public Utility Companies (Cal.).—A gas and electric light company having pipes in a street before the amendment of Const. art. 11, § 19, October 10, 1911, had a vested right to occupy such part of the street and to make necessary repairs on such pipes which could not be impaired by the Constitution. *Ex parte Keppehmann*, 138 P. 346.

Statutes, construction of (Cal.).—A later act containing no repealing clause does not repeal a prior one except in so far as the two are inconsistent. *Ex parte Cannon*, 138 P. 740.

Street Improvements.—A petition for a public improvement, so far as it related to community property, was properly signed by the husband alone, under Seattle City Charter, § 11, subd. 2, where the title stood in the name

of the husband on the books of the county auditor. *La Franchi v. City of Seattle*, 138 P. 659.

(Wash.).—Where abutting property owners permitted a city to begin and prosecute the work of improving a street without seeking to enjoin the change of an established grade, such property owners cannot thereafter obtain an injunction. *Thorberg v. City of Hoquiam*, 138 P. 304.

(Cal.).—Where a municipal improvement contractor was not bound by its contract to observe a provision limiting the hours of labor, it was not bound to obey a custom imposing a similar limitation. *Barber Asphalt Paving Co. v. Baneroft*, 138 P. 742.

(Cal.).—Vrooman Act, § 61½, as added by St. 1899, p. 23, requiring municipal contractors to give bond which shall inure to the benefit of laborers and materialmen, held not unconstitutional as imposing an obligation for other than a public purpose. *Barber Asphalt Paving Co. v. Baneroft*, 138 P. 742.

(Cal.).—A contract for a street improvement was not void because it contained a clause limiting labor to eight hours a day, when such provision was not contained in the notices calling for bids or in the specifications, on the theory that it would be presumed that the bidder was influenced by a custom to so limit hours of labor under such contracts. *Barber Asphalt Paving Co. v. Baneroft*, 138 P. 742.

Street Assessments (Wash.).—It is a general principle that assessments must be distributed with substantial equality over all property of like kind and similarly situated with reference to the subject-matter of the assessment. *In re Eighth Ave. Northwest in City of Seattle*, 138 P. 10.

(Wash.).—A city, when expressly empowered by the Legislature, may fix the district to be assessed but cannot levy the entire cost on such district regardless of benefits. *In re Eighth Ave. Northwest in City of Seattle*, 138 P. 10.

Waterfront (Cal.).—Under St. 1909, p. 420, § 862, subd. 2, giving cities of the sixth class power to purchase realty for municipal purposes, and convey the same for the benefit of the city, provided "they shall not have power to convey any portion of any water front," and empowering such cities "to improve the water front," such a city had no power to lease to private persons a water front for private uses. *People v. Banning Co.*, 138 P. 100.

(Wash.).—Harbor lines do not necessarily have to be laid in deep water. *State v. Sturtevant*, 138 P. 650.

§ 37 (Wash.).—The purchaser of shore land outside a municipality takes subject to the right of the State to fix the harbor line in the case the land comes within city limits, and is entitled to land up to that line, which is theoretically, but not actually, fixed before then at the limit of navigability. *State v. Sturtevant*, 138 P. 650.

Waters and Water Courses (Or.).—L. O. L. 6627, does not give precedence to a municipality or one appropriating waters for municipal supply, over prior claimants. *In re Schollmeyer*, 138 P. 211.

(Or.).—Neither a prior appropriator for domestic purposes nor a subsequent appropriator for municipal supply may monopolize the waters of a stream or obtain more than can be reasonably applied to beneficial uses. *In re Schollmeyer*, 138 P. 211.

The application of water to grow trees upon streets and irrigate trees, grasses, etc., in city parks is the use of water for irrigation as much as its application to grow crops on farms, so that neither use is entitled to a preference over the other as being superior thereto. *City and County of Denver v. Brown*, 138 P. 44.

**RECENT DECISIONS OF THE PUBLIC UTILITY COMMISSION
(RAILROAD COMMISSION) OF CALIFORNIA OF
INTEREST TO MUNICIPALITIES**

NOTE.—Copies of decisions may be obtained for five cents each by sending to Charles D. Detrick, Secretary, 833 Market St., San Francisco.

Gas service.—Complaint alleging inadequate and inefficient service on the part of defendant supplying gas in Huntington Beach. Held, Defendant, West Coast Gas, Light and Fuel Company, ordered to install, within ninety days, an additional generating unit of not less than 100,000 cubic feet capacity. Defendant also to construct by May, 1915, if conditions warrant, a container of not less than 40,000 cubic feet capacity. Held, Defendant to conduct tests at stated periods to determine whether the gas is of a specified quality. Case No. 481. Decided December 20, 1913.

New gas system.—Los Angeles Gas & Electric Corporation granted a certificate of public convenience and necessity to construct and operate a gas distributing system in the city of South Pasadena. Application No. 893. Decided December 27, 1913.

Telephone system.—The Pacific Telephone & Telegraph Company granted certificate of public convenience and necessity to construct and operate a telephone system in the city of Eagle Rock. Application No. 882. Decided December 27, 1913.

Application to increase telephone rates.—Held, Application of Fowler Independent Telephone Company to increase rates in accordance with submitted schedule denied. Held, That the present rates of applicant are not compensatory. Just and reasonable rates and conditions under which such rates may be charged prescribed, said rates to be effective on or before January 1, 1914. Application No. 799. Decided December 27, 1913.

Greater telephone service.—Held, That the interexchange switching privileges afforded Mountain View and Los Altos exchange subscribers constitutes a just and reasonable exchange area. Complainant's petition to be incorporated with either the Palo Alto or San Jose exchanges denied. Held, Defendant required to install within three months battery equipment in place of magneto type now in use in Mountain View. No ruling made as to rates, relief being afforded by prior decisions of the Commission. Case No. 465. Decided December 27, 1913.

Minimum gas rate.—Held, Application of West Coast Gas Company to establish a minimum rate of \$1.00 per month for gas served in the city of Newport Beach, denied. Application No. 794. Decided December 30, 1913.

New electric rates.—Application for permission to establish regular schedule of rates in the town of Sisson in lieu of rates previously charged before plant was purchased, granted. Application No. 795. Decided December 31, 1913.

Application to increase water rates.—Held, That the present rates of Covina City Water Company are unreasonably low in so far as they do not provide a fair return on present plant investment of applicant. Compensatory rates prescribed. Held, Applicant ordered to meter all existing service connections within ninety days, and hereafter to make all service connections and meter installations at its own expense. Application No. 417. Decided December 31, 1913.

Gas rates.—Held, That the present rate of Ontario-Upland Gas Company of \$1.75 per thousand cubic feet is unjust and unreasonable. Minimum monthly rate of 50 cents established and a rate of \$1.25 per thousand cubic feet ordered into effect. Case No. 458. Decided January 3, 1914.

New telephone rates.—Application of the Pacific Telephone & Telegraph Company to establish a new schedule of rates in the city of Eagle Rock in lieu of the schedule now in effect, granted. Application No. 904. Decided January 15, 1914.

Sale of gas plant.—Held, J. R. Anderson authorized to sell to the Oakdale Gas Company a certain gas generating and distributing system in the city of Oakdale; Oakdale Gas Company authorized to issue bonds of the face value of \$25,000.00 and stock of the par value of \$15,000.00 in payment therefor. Issue of bonds conditioned upon the approval by Commission of applicant's trust deed as amended. Application No. 829. Decided January 16, 1914.

Construction of gas distributing system.—Southern California Gas Company granted a certificate of public convenience and necessity to construct a gas distributing system in the city of Glendale. Application No. 827. Decided January 22, 1914.

Change of route of electric power line.—Held, That public convenience and necessity to require that Coast Counties Gas & Electric Company be authorized to change the route of its power line through the streets of the city of Gilroy, in accordance with the permission granted by Ordinance No. 261 of said city, adopted Dec. 8, 1913. Application No. 956. Decided January 24, 1914.

Sale of gas plant.—G. H. Blowers authorized to sell his water plant in the city of Reedley to said city for a sum not to exceed \$16,900.00. Application No. 909. Decided January 27, 1914.

Change of railroad time-table.—Application of the Los Angeles and San Diego Beach Railway Company for permission to put into effect a revised time-table, reducing the number of trains operated daily between San Diego and La Jolla, denied. Application No. 926. Decided January 28, 1914.

Telephone rates.—Application of the Pacific Telephone & Telegraph Company and certain of its stockholders for a rehearing, based principally upon that portion of the Commission's decision limiting the American Telephone & Telegraph Company to $2\frac{1}{2}$ per cent instead of $4\frac{1}{2}$ per cent of the gross receipts, for services performed, under its contract with the Pacific Telephone & Telegraph Company. Held, That the services performed by the American Telephone & Telegraph Company, of benefit to the Pacific Telephone & Telegraph Company, do not justify a contract calling for $4\frac{1}{2}$ per cent of gross, that $2\frac{1}{2}$ per cent is a just and reasonable allowance for such services, application for rehearing therefore denied. City of San Jose v. Pacific Telephone & Telegraph Company. Case No. 387. Decided February 4, 1914.

Depot location.—Application of the Los Angeles and San Diego Beach Railway Company to abandon and remove its present freight and passenger depot to a new location approximately three blocks north of present site, granted. Application No. 957. Decided February 9, 1914.

Alleged error in procedure.—Motion of Pacific Gas & Electric Company to dismiss complaint on the grounds that said complaint was brought in the name of the mayor instead of the City of San Jose, and alleging that said complaint did not establish a prima facie case, denied. Case No. 477. Decided February 17, 1914.

Street railroad service.—Application of San Diego Electric Railway Company and Point Loma Railroad Company for a vacation of the Commission's order in Case No. 402, requiring said companies to maintain a 20-minute schedule between San Diego and Point Loma and Ocean Park, denied. Application No. 910. Decided February 17, 1914.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

City Clerk, salary of, fixing. Albany, Cal., 344-a.

Employees and Officers, fixing rate of compensation. Santa Maria, 344-b.

Barber Shops, regulating the sanitary condition of. San Fernando, 344-c.

Municipal Election Precincts, establishing. San Mateo, 344-d, Albany, Cal., 345-d.

Treasurer, fixing the salary of. San Leandro, 344-f.

Meeting Place of Trustees, designating. San Mateo, 344-g.

Wiping Rags and Waste, regulating the business of laundering, sterilizing and selling. Oakland, 344-h.

Treasurer and Recorder, prescribing the duties of and providing compensation for. Sebastopol, 344-i; 349-f.

Water Rates, establishing. Lakeport, Cal., 345-a; Santa Cruz, 345-c; Los Banos, 346-a; Chico, 347-f; Orange, 349-a; King City, 349-e.

Clerk and Assessor, fixing salary of. Sonoma, 345-e.

Maternity Hospitals, regulating permits and licenses for. Oakland, 345-f.

Playground, appropriating money for the purchase of. 346-b, Oakland.

Department of Electricity, creating and regulating electric wiring. Stockton, 346-d.

Rabbits, Guinea Pigs and Domestic Fowl, prohibiting trespassing of. Coalinga, 346-e.

Business Licenses, fixing the rates. Reedley, 347-a; 350-d.

Pool, Billiard and Card Rooms, prohibiting minors to visit. Santa Cruz County, 347-b.

Treasurer, fixing compensation of. Albany, Cal., 347-c.

City Clerk, fixing the salary of and amount of bond required from. Coalinga, 347-d.

Intoxicating Liquors, regulating the retail traffic in. Sutter Creek, 348-a.

Streets, relating to the obstruction of with dirt and debris. San Diego, 348-b.

Excavations in Streets, regulating. Oakland, 348-c.

Marshal, Ex-officio Tax Collector and Ex-officio Street Superintendent, fixing salary of. King City, 349-b.

- Intoxicating Liquors**, prohibiting the sale to minors. Sebastopol, 349-e.
- Secondhand Goods**, regulating dealers in. Colton, 349-g.
- Streets**, renaming, and accepting as public thoroughfares. King City, 350-a.
- Milk**, regulating pasteurizing and sale of. San Diego, 350-b.
- Billboards**, regulating the construction and maintenance of. Santa Cruz, 350-c.
- Fires**, providing rules and regulations for the prevention of, and regulating the services of water, and also the keeping of gasoline and other explosives. King City, 351-a.
- Squirrels**, to abate. Santa Barbara County, 351-b.
- Fish and Game**, regulating hunting and catching of. Santa Cruz County, 351-c.
- Gas Rates**, fixing. Colton, 352-a.
- Intoxicating Liquors**, prohibiting the sale of to minors, females, Indians or habitual drunkards. Shasta County, 352-b.
- Chickens and Other Fowl at Large**, prohibiting. Chino, 352-e.
- The Beach**, prohibiting the removal of gravel or stones from. Redondo Beach, 352-d.
- City Officials**, fixing the compensation of. Upland, 352-e.
- Bread**, regulating the wrapping of each loaf and requiring weight to be marked on. Pasadena, 352-f.
- Vehicles**, regulating the speed and operation of. Ashland, Ore., 353-a.
- State or County Highway System**, authorizing the use of certain streets for part of. Elsinore, 353-b.
- Intoxicating Liquors**, prohibiting the furnishing of to habitual drunkards. Sonoma, 353-e.
- Clerk and Treasurer**, fixing the compensation and fixing hours for. Eagle Rock, 353-d.
- Railroad Franchise**, granting. Chico, 354-a.
- Billboards**, regulating construction and maintenance. San Francisco, 354-b.
- Sidewalks**, establishing the width of. Watsonville, 354-c.
- Electric Light and Power Franchises**, granting. Huntington Beach, 354-d.
- Business Licenses**, fixing. San Buenaventura, 355-a.
- Industrial and Residence Districts**, dividing into. San Mateo, 355-b.
- Weeds and Rubbish**, requiring removal of from sidewalks. Berkeley, 355-c.
- Smoking on Street Cars**, prohibiting. Pasadena, 356-a.
- House Courts**, regulating construction and maintenance of. Pasadena, 356-b.

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630-632 PHELAN BLDG.
SAN FRANCISCO, CALIF.

∴ What Our Pacific Coast Cities Are Doing ∴

Alameda will receive bids April 7 for constructing a seawall along the beach. Bids will also be received on same date for installing a water supply system for Jackson and Washington parks. Bids were received on March 17 for an automobile tractor to be attached to the hook and ladder truck, and also for a pipe line and hydrants for fire protection along Webster and Work streets.

Angels Camp is contemplating improving county road between said city and Melones.

Auburn School District is agitating bond issue of \$45,000 for a school building.

Berkeley received bids on March 31 for oiling and screening the city streets. Bids were received on Mar. 20 for installing playground apparatus at San Pablo Park.

Chico will hold a bond election shortly to vote \$60,000 bonds for the erection of a new school building. Bids were received March 31 for 800 feet of 2½-inch standard fire hose.

Colton trustees have decided to turn down all bids for paving North Ninth street. Bids will again be called for at a later date.

Dixon citizens are in favor of a \$60,000 bond issue for a high school.

Eagle Rock passed resolution for the installation of 40 cluster lights in the center of the city.

Imperial is contemplating an outfall sewer. Engineers are about to survey for the best route; estimated cost of main sewer about \$100,000 and septic tank \$20,000.

Ephrata (Wash.)—Grant County Commissioners will let contract for the constructing of Permanent Highway No. 5, April 6, for which about \$19,000 is available.

Everett (Wash.) has let contract to Atlas Construction Co. to open up and improve Federal street, south from Thirty-fifth street, at \$14,000.

Hillsborough will receive bids April 7 for 500 feet of 2½-inch fire hose.

Hollister will do considerable street paving this summer.

Huntington Beach received bids March 23 for paving, guttering, crowning, grading, capping and oiling portion of Seventeenth street; also for paving a portion of Atlanta street.

Kellogg (Idaho) has extensive plans for the improvement of its downtown streets by concrete paving.

Lindsay will hold a bond election shortly to vote \$10,000 for the purchase of new fire apparatus.

Los Angeles is having an ordinance prepared calling an election authorizing power bonds to the amount of \$6,500,000; of this sum \$1,250,000 will be used to complete the generating works under construction. Balance of money will be spent in the installation of a distributing system for street lighting. Pacific Electric Co. has applied to the Public Utilities Commission for a 40-year franchise for an elevated structure from Sixth street depot to San Pedro street. Contract has been awarded R. C. Lowell of Monrovia for construction of Arroyo de la Brea storm sewer at cost of \$662,063.

Los Gatos received bids March 16 for paving portion of West Main street; also for the construction of curbs and gutters along both sides of the roadway. Citizens are contemplating an election for the purchase of fire apparatus.

Madera may hold a bond issue for sewer extension, sewer farm and septic tank.

Martinez is considering building mammoth storm sewer to take care of the waters in Alhambra Creek.

Mayfield will probably begin paving of Main street very shortly. City marshal has been directed to purchase a street grader for grading the streets.

Monrovia may construct a storm drain sewer from the mouth of Sawpit Canyon past Monrovia. Bids were received on March 17 for improving portion of May avenue by grading and oiling; also for the construction of concrete curbs and a concrete gutter.

Montague received bids March 23 for installing a motor and pump, together with a lot of pipe and fittings.

Napa city council are considering construction of a new bridge on East First street. Bids will be received on April 15 for the construction of a two-arch stone bridge across Garnett Creek near Callstoga in Road District No. 8.

Newcastle will hold an \$18,000 school bond election in the near future.

Newport Beach will advertise for bids for the \$25,000 bonds which were voted in September for the municipal light plant. If the bonds are sold the city will use the money for the erection of a street lighting system, if not, the city will put in the lighting system and assess the cost on the property owners under one of the improvement acts.

North Yakima.—County Commissioners will expend about \$200,000 this year on road work.

Olympia (Wash.).—A committee representing the States of Oregon and Washington and the Federal Government will investigate the power possibilities of the Columbia River near Celilo Falls. Contract has been awarded P. J. McHugh Paving & Construction Co. of Seattle for grading, clearing, grubbing, draining and bridging the Sunset Highway between North Bend and Cle Elum, for \$203,000.

Oregon.—Bids will probably be called May 1 for grading Columbia Highway through Clatsop and Columbia counties.

Orland.—Petition has been presented to the Board of Trustees requesting the calling of a bond election to vote \$10,000 for the extension of the present water system.

Oroville.—Survey has been completed for the Bangor cut-off, which is to be five miles long.

Pasadena.—Survey is being made for the 30-inch gravity pipe which feeds the Orange Grove reservoir from Devil's Gate. City commission awarded contract to K. T. Bennett for installing the Madeline drive conduit and lighting system at \$3,467. Contract was awarded to same party for the installation of an ornamental lighting system on St. Johns avenue. An adequate storm drain storm sewer is being discussed. Bids were received March 16 for a horizontal series centrifugal pump and induction motor.

Pleasanton will receive bids April 6 for doing the town printing.

Pomona citizens are urging the formation of a storm protection district. It is estimated that a drainage system and conduits will cost possibly \$1,000,000.

Portland has awarded Pauly Jail Building Co. contract for construction of steel cells and other fixtures for the new city jail at \$32,158.

Porterville has voted \$15,000 for the construction of a third auxiliary pumping plant.

Redondo Beach received bids on March 23 for improving Ruby street, Vincent Park and Diamond street.

Redding trustees have accepted plans for bridge at Reids Ferry. Bridge will cost about \$50,000 and will have five spans of 108 feet each.

Reedley has awarded contract to Chambers & Heafy of Oakland for the construction of the proposed sewer system at \$27,768.

Rio Vista is talking of purchasing street signs. It is proposed to build a new bridge connecting Solano and Sacramento counties at this point.

Sacramento Reclamation District No. 1500 will receive bids April 1 for furnishing and installing a complete pump equipment consisting of six motor-driven centrifugal pumps.

Sacramento received bids March 24 for the construction of reinforced concrete abut-

ment walls and steel flood gates for the Twelfth street subway. It is contemplated to erect pumping station and outfall sewer in the annexed territory. City Engineer has been directed to prepare a map giving location; estimated cost probably over \$1,000,000. High School Board of Education received bids March 27 for electric motors, forge and machine shop tools and domestic science equipment for the Manual Arts School.

San Bernardino has ordered the improvement of four miles of streets by paving.

San Diego.—Bids will be asked in the near future for the construction of the concrete conduit connecting Morena reservoir with the intake of the Dulzura conduit, estimated to cost \$150,000.

San Fernando is contemplating building a storm drain along the general course of the old channel in the Wilson Canyon Wash.

San Jose received bids March 23 for one motor-propelled fire engine.

San Rafael has awarded contract to Pacific Fire Extinguisher Co. to install ornamental street lighting system at \$14,165. Bids will shortly be called for an incinerator plant; estimated cost about \$20,000.

Santa Cruz has voted \$25,000 for a new high school and improvements in the grammar school system.

Santa Barbara water commissioners received bids March 27 for furnishing two electric mine locomotives as per specifications.

Santa Monica may call a bond election of \$150,000 for a municipal auditorium in the near future.

Sebastopol will receive bids April 6 for the construction of a sewer system.

St. Helena town engineer has been directed to prepare plans and specifications for the rebuilding of a sanitary sewer from Main street to the septic tank.

Spokane has resumed its city improvement work; many city contractors have opened up work of various kinds throughout the city. This work consists chiefly of the grading, curbing and sidewalking of many streets. Two of the larger projects are the construction of the Ganzaga subtrunk sewer and the Twenty-fifth avenue sewer. Operations have also been begun by the city asphalt plant after its winter lay-off.

Stockton received bids March 31 for the building of a grammar school. Bids were received March 27 for repaving portion of California street.

Suisun is talking of improving Union avenue in the near future.

Tacoma (Wash.) city council has appropriated \$17,000 for the purchase of an auto, combination hose and chemical fire truck. The city is considering the construction of an electric street car line to the tide flats over Lincoln bridge. The line will be con-

structed and owned by the city, but operated by a local car company. A \$35,000 bond issue has been offered for sale to obtain funds for the construction. This car line will accommodate thousands of workmen in the mill and factory districts.

Turlock will hold a bond election shortly to vote \$15,000 for the purchase of fire apparatus.

Upland will receive bids April 15 for the construction of a concrete gutter along portion of "B" street.

Vallejo is contemplating the paving for the extension of Sonoma street to the city limits. \$142,000 has been voted for sewer and harbor improvements.

Wallace (Idaho) has undertaken pavement improvements. The council recently decided in favor of bitulithic pavement for all local streets.

Yreka will soon receive bids for the construction of a Carnegie library to cost \$8000.

CALIFORNIA COUNTIES.

Colusa County has just voted \$452,000 bonds for municipal improvements, which will include a hall of records, highway improvements and the construction of bridges.

Humboldt County has passed a resolution authorizing the purchase of \$150,000 worth of highway bonds so that work may be commenced on the State highway from Mendocino county to the Del Norte county line.

Riverside County has sold its highway bonds amounting to \$1,125,000 for a premium of \$37,237.50.

San Bernardino County received bids March 30 for a 4-cylinder 30 h. p. engine and one automobile ambulance. Bids will be received for the construction of a steel cage for prisoners working on county roads.

San Joaquin County received bids March 24 for improving county road from Clements easterly between the county road, a total distance of 6800 lineal feet.

San Mateo County will receive bids March 30 for the construction of 1,998 miles of highway on what is known as "Belmont to Crystal Springs Road." Bids will be received April 6 for constructing a reinforced concrete bridge on the West Union road across Cordilleras Creek in Second Road District.

Sonoma County.—A bridge may be built across the Russian River somewhere between Duncan's Mills and Markham.

Tehama County.—Cone School District received bids March 28 for the construction of a school house.

Trinity County will hold a bond election in November to vote \$125,000 bonds for the construction of better roads.

Yuba County.—The State Engineering Department will probably call for bids for completing five miles of highway from Morri-son's crossing to the county line.

EUREKA FIRE HOSE



The mechanical construction of Eureka Fire Hose is scientifically correct. It consists of four separate and distinct plies woven in a circular seamless form, not flat, which possesses one solid body, making it absolutely reliable. Should the outer ply get injured, it could not unravel, owing to its unique construction. Each ply is a distinct hose in itself.

The rubber lining is without a peer, as it is constructed of four separate calendered sheets of rubber so vulcanized together that they form a single sheet, making it capable of resisting high pressure, and allow for a free flow of water without friction.

Eureka Fire Hose Mfg. Co., New York

54-58 Fremont Street

SAN FRANCISCO, CALIF.

QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Q. In connection with the question and answer in the February issue relative to the regulation of billiard and pool halls, etc., would like to inquire if it is possible to regulate soft-drink emporiums?

This is a "dry" town, and the places which were formerly saloons have been turned into places where soft drinks, cigars, etc., are sold. But the frosted windows; the screens in front of the doors, and the advertising signs that were in use before the town voted dry are still in use.

Is it possible to compel the removal of all these things and to compel such places to provide a clear and unobstructed view of all parts of the room so used from the street adjacent thereto?

ANS. In our opinion, places where soft drinks are sold may be declared nuisances, provided, of course, as a matter of fact, they are nuisances in the judgment of the Board of Trustees. Anything which may be injurious to public morals may be declared a nuisance, and, according to the expressed powers granted to a municipality of the sixth class, nuisance may be abated or regulated. So far as we know, it is a matter concerning which there has not been very much municipal legislation; consequently, there are no ordinances in our possession attempting the regulation of soft-drink emporiums; but, as above stated, we are inclined to think that the Board of Trustees will be able to regulate them on the ground that they are places of amusement, and, unless regulated, are a menace to public morals.

Q. Will you kindly examine the enclosed copy of a proposed ordinance fixing hours for certain business, and give us your opinion whether it is consistent with the State laws?

ANS. Your letter of February 20th, together with copy of proposed ordinance regulating business hours and prohibiting the transaction of mercantile business on Sunday, duly received. In reply thereto, will say that in my judgment a city of the sixth class is not authorized to regulate the hours of mercantile busi-

ness and forbid the pursuit of a lawful occupation on Sunday. The first case in point which is recorded in this State is entitled "Ex parte Newman," and will be found in the Ninth California Reports, page 502. In that case the Court said:

"The Legislature cannot forbid the lawful pursuit of a lawful occupation on one day of the week any more than it can forbid it altogether."

At the time of this decision there was some authority for believing that such regulations might be made, and a few years after the decision in the case of Ex parte Newman, the Supreme Court reversed itself in the case entitled "Ex parte Andrews," which, we think, is reported in the Twelfth California Reports, and held that Sunday regulation was valid.

Immediately after the new Constitution was adopted a number of acts were passed (acts 3950-3951). Act 3951, designed "to regulate and provide for a day of rest in certain cases" (Statutes 1880, page 80), was declared unconstitutional in the case of Ex parte Westfield, 55 Cal., 580. This act was designed to regulate the hours for the employment of bakers. Other legislation on this subject was passed as amendment to the Penal Code (sections 300 and 301), but these sections were repealed February 8, 1883. Several attempts have been made since to pass Sunday laws in this State, one notable attempt being made to regulate barbers; but this was held unconstitutional.

One of the latest decisions on this question will be found in the case of Ex parte Dickey, 144 Cal., 234, where the Court said:

"When a lawful business is of a beneficial character, and not dangerous to the public, it cannot be subject to police regulations."

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In view of this last-quoted decision and the fact that there is nothing now on our Statutes authorizing the limitation of business hours or forbidding the transaction of business on Sunday by a municipality, I am inclined to think it would be declared unlawful. Moreover, the Supreme Court has decided time and time again that a municipality can only exercise those powers which are expressly granted. In the grant of powers to a city of the sixth class, which are specified and enumerated in the Municipal Corporation Bill, there is no authority to restrict the pursuit of a lawful occupation on one day of the week or to authorize the regulation of business hours. It is true that Sunday laws are valid in other States of the Union, but in such cases they are undoubtedly authorized by the State Constitution.

Q. 1.—Under the California laws, can a city of the sixth class employ a City Manager, similar to Dayton and like cities?

2.—Can the offices of city treasurer and city clerk be combined, and do you think that it would be good policy to so do? (I, personally think not; but some differ with me, and I would like your opinion.)

ANS. 1.—In our opinion a city of the sixth class might employ a City Manager if they desired. It is not mandatory on a sixth class city to have a street superintendent or engineer, or even a city attorney. You will observe, also, that there is a provision in the Municipal Corporation Bill whereby the trustees are empowered to appoint such other officers as they may deem necessary. Therefore, instead of having a street superintendent or engineer, they might have a subordinate officer and call him City Manager, defining his duties by ordinance; of course, they could not delegate any of their powers to the City Manager.

2.—In our opinion the office of city treasurer and city clerk cannot be legally consolidated and combined in one person, as the accounts of the city treasurer are in a measure a check on the accounts of the clerk. We do not know that the matter has been judicially settled, however, but we agree with you that it would not be good policy, even if permissible.

Q. If an ordinance is passed containing a restraining clause repealing an ordinance, is it necessary to dismiss all cases started under the old ordinance? Does Section 329 of the Political Code apply only to State laws? In one of the Supreme Court decisions it seems that it does not apply to city ordinances, and that any action started under an old ordinance must be dismissed. The decision I speak of is *Speer vs. County of Modoc*, 101 Cal. 303. If you know of any law to the contrary, will you please advise me at once, and oblige.

ANS. In our opinion your judgment in the matter is correct. The decision in the ease referred to has not been reversed that we know of; therefore, under the circumstances, you have no alternative but to dismiss the ease started under the old ordinance.

Assessing Railroad Property.

Q. I write this letter as attorney for the Town of St. Helena. The town desires to pave a portion of Main street under the provisions of the Improvement Act of 1911. The entire frontage on one side of the street is occupied by the Southern Pacific railroad tracks and the entire frontage of the other side of the street is occupied by the railroad tracks of the San Francisco, Napa and Calistoga railway. The town intended to pay for the work by a frontage assessment, but the City Street Improvement Company, which seems to have a monopoly of the work in this section, has so far refused to bid upon the same unless we make a district. The property back of the railroad tracks is almost entirely occupied by farming land, and the Board of Trustees do not feel justified in laying an assessment on the same for the expenses of the improvement. The legality of the frontage assessment on railroad property is virtually settled by remarks of the Court in the recent case of *McNeil vs. The City of South Pasadena*, but there seems to be no way to make the improvement unless we can get a bid.

About a year ago we attempted to enforce a certain type of construction by the last-named railroad on another portion of Main street wherein said road has its tracks. To that end we adopted an ordinance in conformity with section 77 of the Street Improvement Act of 1911, but when we called for bids there was none received and the railroad afterwards proceeded to lay an inferior pavement. We went into court over the matter and the same is still pending. The inferior pavement laid by the railroad is now in bad condition, and is a menace to the security of the pavement laid by the town on the remainder of the street.

Of course, we cannot compel the company to bid, but the two instances above mentioned lead me to believe that there is a community of interest or at least an under-

standing between the railroads and the street constructing firms, and that some measures should be taken by which municipalities could secure the performance of such work. I commend it to the attention of the League. Meanwhile, I write this letter to inquire if you can suggest a way in the present matter by which we can obtain a contractor for the paving of Main street, as desired by the town.

ANS. Your letter of February 28 relative to the right to assess a railroad right of way for street improvements, duly received.

The committee of city attorneys on new legislation have had serious doubts as to the right of a municipality to impose and collect an assessment against a railroad company for local improvements. A provision was incorporated in the 1911 act for the purpose of authorizing such assessments and a measure was passed by the last legislature for the purpose of making this right clearer; nevertheless, there is a question about it, and contractors have declined to bid in every instance where a railroad right of way has been included as part of the property to be assessed.

The City of Burlingame recently went through proceedings under the Improvement Act of 1911 to pave one of their main streets, which had a railroad right of way running parallel along one side for a distance of a mile or more, but they had the same experience that you met with in St. Helena. In the case of Burlingame the railroad company owns the right of way in fee.

Apparently, the only way to settle this matter is to bring an action and carry the ease to the Supreme Court. We will call this matter to the attention of the City Attorneys' Association, which meets in Oakland on the 14th inst., and suggest that arrangements be made for determining this important question.

Official City Map.

Q. A question has arisen concerning the validity of the official map of the City of King which I compiled about three years ago, and Mr. Walter Norris of Salinas, who was city attorney at that time has advised me to apply to you for information.

The situation is as follows: The map was only intended for a general map of the city and consisted merely of a compilation of all of the previous maps of townsites,

additions and subdivisions within the city limits. The map was "Approved and Declared to be the Official Map of the City of King, Monterey County, California, this 5th day of June, 1911," signed by the President and Board of Trustees and attested by the City Clerk. This map has been used ever since for assessment purposes.

A new city attorney, Mr. Osburn, has been appointed, and he declares that the map should have been adopted by resolution, and a certificate setting forth the resolution in full should be engrossed on the map, in accordance with Section 3658a of the Political Code approved March 25th, 1903. Mr. Osburn claims that a failure to comply with this section renders the map and all assessments that refer to it invalid.

I do not know of any incorporated cities in this vicinity that have observed this law, and to a layman the wording of the opening sentence leaves a doubt as to whether or not it really is obligatory to strictly follow this particular section.

If you can give me any information as to the best course to pursue, or your opinion as to the validity of the map, it will greatly oblige.

ANS. Your letter of March 14 relative to the map of King City, duly received. In reply thereto, will say that the significance of the point raised by Mr. Osburn is doubtful. The section of the Political Code referred to (3658a) says it shall be lawful to make such a map. Such language would not imply that it was mandatory. In view of the fact, however, that apparently it is the only general law covering the matter, there is a possibility that it might be so construed.

I do not believe that it would affect the validity of any assessments levied for the purposes of taxation other than this:

It might be held that you would have to describe the property on each tax bill by metes and bounds, and that you could not refer to it by lot and block number. Under the circumstances, would say that it might be advisable for the Board of Trustees to re-adopt the map at its earliest convenience and comply with all the provisions of the section quoted; then no one could ever question your right to describe the property in a tax bill by its lot and block number. I am quite sure, however, that the failure to comply with the section would invalidate any assessments levied for the pur-

poses of taxation. A taxpayer might get out a Writ of Mandamus and require the assessor to describe the property on his tax bill by metes and bounds, as above stated, instead of by lot and block number. In my opinion, this is the worst that might happen.

Would say, however, that Mr. Osburn is a lawyer who has had considerable experience in municipal corporation law, and is believed by some to be extremely technical. As above suggested, there does not seem to be any objection to adopting the map referred to in the language provided by the section of the Political Code mentioned. This would remove all doubt.

Abandoning an Alley.

Q. Will you please inform me the proceeding to be taken by our Trustees to abandon an alley in a block where the person asking the abandonment owns the entire block, and there are no objections or protest in this matter. The owner wishes to use the entire block for buildings.

ANS. In reply to your inquiry of March 17, will say that it is necessary in order to close the alley in a legal way to take proceedings under the act of March 6, 1889, known as Act 3927. It provides for the passage of a resolution of intention describing the alley to be closed, and also the land to be affected or benefitted by the improvement and to be assessed to pay the damages, costs and expenses. You had better describe the land to be improved as including the whole block. Notice must then be published headed "Notice of Public Work:"

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also a notice must be published in a newspaper for four successive weeks. Finally, if no objections are filed with the clerk against closing the alley, the city council acquires jurisdiction to order the closing and should pass a resolution to that effect.

The proceedings are somewhat technical, and would advise that you have the matter conducted by your city attorney. It will also be advisable to supplement the proceedings by having the trustees make a deed of all their right, title and interest to the alley to the property owner.

Residential Qualification of Official.

Q. In July, 1913, our city annexed a subdivision adjoining us and in this subdivision lived a man for several years past. Is he eligible to the office of City Trustee to be held April 13, 1914, in this city?

ANS. In reply to your inquiry of March 3, will say that in our opinion there is no question as to the eligibility of a citizen to hold office in a municipality in a case where he resided in ter-

ritory recently annexed to the city for over one year. Any other construction would be unreasonable. We cannot find that the point has been raised in this State. However, in Vol. 1 of Dillon on Corporations, page 638, there is a record of the point having been raised in the State of Kentucky. In that case one of the qualifications necessary was a three years' residence in the city. In the case referred to, the Court said:

"Residence in a territory for three years immediately preceding the annexation of territory to a city makes a candidate eligible to a city office where three years' residence in the city is required by statutes."

Gibson vs. Wood, 105 Ky., page 740.

As above stated, there is no question in our minds as to the eligibility of a citizen to hold office of trustee, providing he has resided in the annexed territory for at least one year, even though a year has not elapsed since the annexation took place. We have absolutely no doubt on this point.

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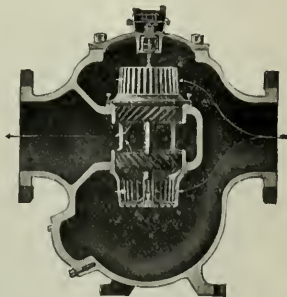
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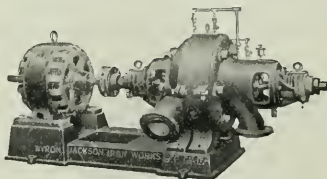
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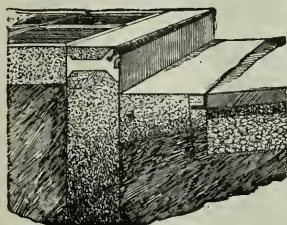
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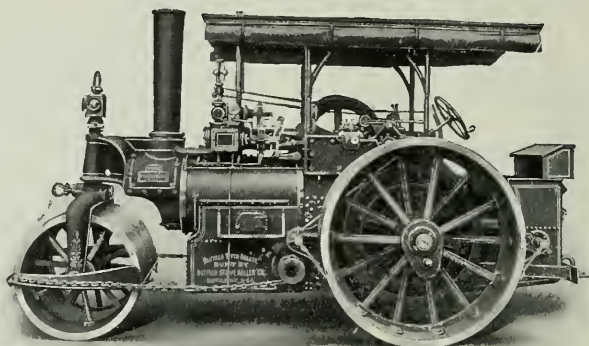
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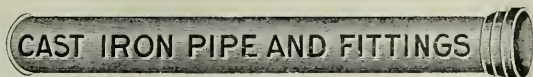
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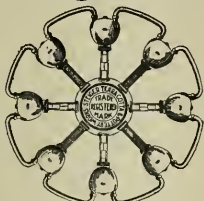
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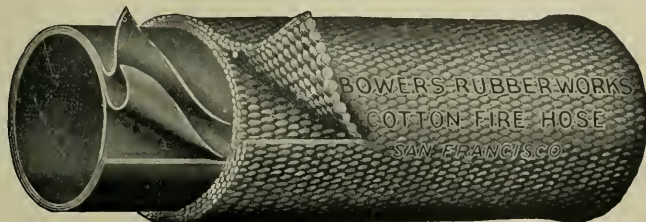
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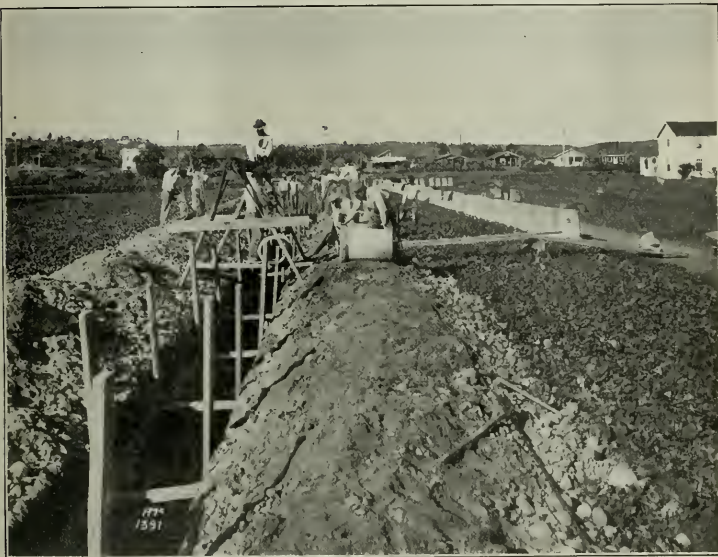
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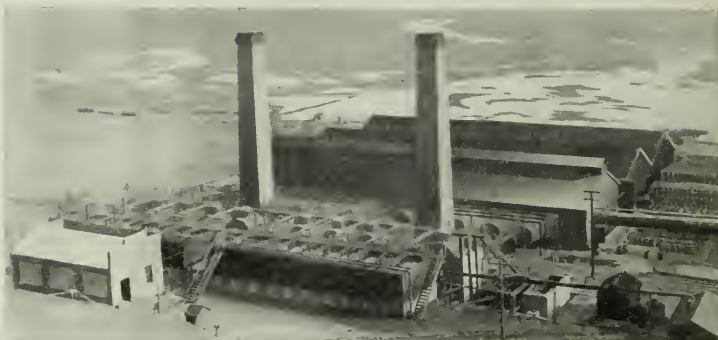
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NEW IDEAS FOR MUNICIPAL CHARTERS THE RECALL

By WM. J. LOCKE

It is now universally conceded that every modern municipal charter based on either the Commission or Business Manager Plan of Government should contain provisions for exercising the initiative, referendum and recall, so as to provide logical and necessary safeguards against possible abuse of the concentrated power which these systems involve. Direct legislation and the recall have undoubtedly come to stay. When the machinery for their operation has been repaired and properly regulated they will undoubtedly be recognized as most desirable auxiliaries to our system of popular government. How can we consistently prate of government by the people if we deny the right of direct legislation? It would appear

most illogical to deny the people's right to do directly those things which they may authorize their representatives to do for them. Would it not be most unreasonable to endow the creature with power which we deny to its creator, or, in other words, to concede the servant more authority than possessed by the master? However, it has been difficult for us to harmonize our ancient ideas of municipal government in a democracy with systems which thus involve the concentration of great power in few hands; in fact, they would have found but little favor in the United States were it not for these provisional safeguards whereby the people reserve to themselves the right to legislate directly whenever they may deem it necessary,

and also to dismiss an elected official when for any reason he becomes unsatisfactory. By providing such governmental machinery the danger from the abuse of power is almost eliminated.

Probably the one feature of this new idea in government which has been subjected to the most use and also to the most abuse is the "recall," and as a result it has come in for much criticism. A little investigation of some of the numerous cases in which the recall has been invoked shows that the criticism is justified and that the method of procedure which has been universally adopted for its exercise is sadly in need of improvement.

In the first place the basis upon which a recall election is founded is unquestionably weak. It rests on a very poor foundation, to-wit: a petition. Those who know anything of the various methods resorted to for obtaining signatures to petitions will undoubtedly admit the truth of this statement. As a result, the average petition is not regarded as a very significant document. The fact that a name appears on a petition is not at all indicative of the real sentiments of the signer, for it is common knowledge that many signatures are obtained under misrepresentation, and others through coercion. Many persons will sign a petition merely to enable the solicitor to earn the few cents which is often paid for each name secured; others will do it to oblige a friend or accommodate a customer, while others again will sign merely to get rid of a bore. In other words, it has developed that there are many people who may be induced to attach their signature to any kind of a petition, merely because they lack the moral courage to refuse. It is the natural disposition to be accommodating; besides it is the "easiest way," as it avoids explanation or argument. Therefore, I would repeat the statement that a petition is not a very significant document. As a matter of fact, it merely represents so much work on the part of the person or persons who solicited the signatures, nothing more.

Another defect in the present method of exercising the recall lies in the fact that it gives power to the minority which it denies the majority. For instance, a petition containing the signatures of from fifteen to twenty-five per cent of the voters compels the council to call a special election, notwithstanding the fact that perhaps fifty per cent or more of the voters are absolutely opposed to it. This is not right. Those who want an official retained in office should have the same right of petition as those who desire his recall, and if an equal or greater number of voters wish to keep him in office and are opposed to submitting the question to a special election, their wishes should be given as much consideration as those of the others. In the United States, the business of government is conducted on the theory that the majority should rule; therefore, how can we consistently uphold a law that allows the minority to do something which the majority opposes? The signature of a citizen, like his vote, should have no more weight than that of another citizen.

Another serious defect lies in the fact that the present recall laws in California, except those of a few charter cities, impose a great and manifest injustice on the official sought to be recalled, for the reason that it is necessary for him to get a positive majority of all votes cast in order to retain his office, whereas a mere plurality will suffice to elect any of his opponents. The new charter of Los Angeles County contains this defect, and, commenting on the attempted recall of Supervisor Norton, the "Los Angeles Express" says:

It is one of the anomalies of the recall that the official against whom it is directed alone must receive a majority of the votes cast. In the present case, it is easily conceivable that Norton might receive twice the vote cast for any one of his opponents and yet be recalled and one of those opponents chosen in his stead.

Assume, for example, that 40,000 votes are cast in the approaching election. The issue to be decided is really divided into two parts: First, shall Norton be recalled? Second, if he shall be recalled, who of his

five opponents shall be elected to his office? There might be cast 19,500 votes against the recall of Norton and 20,500 in favor of his recall with the result that he would automatically be ousted from his place. Those voting for his recall might so divide their votes that the leader among the five candidates would receive but 5500 votes, and yet be elected to his office in face of the fact that 19,500 votes were cast for Norton's retention.

It is essential that a positive majority of all the votes shall be cast for Norton. He alone must receive such a majority. A plurality will suffice to elect any of his opponents in the event that the recall should be sustained.

The "Los Angeles Tribune," in referring to the matter, has this to say:

"In this campaign he fights under a disadvantage, since on the question whether or not he shall be recalled, he must, in order to retain his office, poll a vote larger than that of all his opponents combined, for they naturally stand as a unit in favor of the recall."

The "California Outlook" for April 11, 1914, also contains an article showing this injustice which exists in the present laws relating to the recall.

These defects in the present method of exercising the recall may be easily remedied. The objections to the present method of petition may be overcome by using a different method for securing signatures. For example, instead of taking the petition around to the voters to get signatures, why not require the voters to go to the petition? Copies of the petition could be left in a number of public places throughout the city and the voters notified through the press or otherwise that they may go to any of the places designated, within a specified time, and attach their signature. No valid objections could be raised to such a plan. It certainly is not any more unreasonable than the present requirement in regard to elections, in which ease the voter is obliged to go to the polls on election day instead of having the ballot box brought to him. Undoubtedly it would be a more difficult matter to secure signatures under such a plan, but surely that should not be a valid objection necessarily. Signatures obtained by such a method would certainly be more significant and more truly indicative of the real sentiments

of the signer. For these reasons it would undoubtedly be much better to adopt such a method, even if it would be necessary to make a considerable reduction in the number of signatures required. Ten signatures obtained under such a plan would be worth fifty secured by the present method. To be sure, the names of those who now sign under misrepresentation or coercion, or just to be obliging, would not be found on a petition under those conditions, but that would hardly be a calamity. There is an old saying that "quality is better than quantity." Unless the voters would be willing to go to a little trouble such as this would involve, it would be quite evident that they were not very anxious to have the official recalled. There is nothing involved in the method proposed that would make the recall prohibitive or even very difficult. If public sentiment was sufficiently strong to demand the recall of a certain officer, the required number of signatures would undoubtedly be secured.

It will interest our readers to know that this suggestion has been adopted into the charters of Long Beach and Vallejo in this State. It has also been adopted in the new charter of the City of Springfield, Ohio, which charter, by the way, is said by the committee of the National Municipal League to be the best municipal charter yet framed.

The second defect referred to in the method used at present for exercising the recall may be cured by permitting counter petitions, and requiring that the proponents of the recall shall not only secure the specified percentage of signatures to their petition, but that they shall also secure a greater number of signatures than those signing against the recall. In other words, the submission of counter petitions should be provided and as much weight and consideration should be given to one petition as another. If a majority of the voters petition for retaining the officer, that should end the matter without the necessity of resorting to a special election.

That a small minority of voters

should be empowered to compel a city to undergo the turmoil and expense of a special election when the majority do not want it, is unjust and un-American. **The signature of one citizen, as well as his vote, should have no more power than the signature of another citizen.** When it comes to voting the majority rule, but in the case of a recall petition the minority rule; and not only do they rule, but the majority are not even considered, they have nothing whatever to say about it. No matter what the circumstances may be, a special election must be called if the minority insist upon it.

Not long ago a recall petition was filed against an official of the City of Dallas. A number of leading citizens who were confident that the recall would fail, attempted to dissuade the proponents from insisting upon a special election, but without avail. As a last resort, they got out a counter petition to which they secured the signatures of over one-half the voters of the city pledging themselves to vote against the recall. This was extralegal, there being no provision of law for it. It was done simply to convince those proposing the recall that a special election would be futile. Fortunately they were successful in persuading the withdrawal of the petition. Now, then, here is an illustration of the effect of a counter petition. **Is it not striking proof of the need of such a provision of law?** I will add, in passing, that such a provision has been incorporated into the charter of Long Beach; also into the charter of Vallejo in regard to the initiative.

Another thing that should be borne in mind is the fact that a recall election makes it necessary for the officer attacked to devote several months of his time to a political campaign instead of giving attention to the public duties for which he was elected. The work of his department invariably comes to a standstill and the whole city gets embroiled in a bitter controversy. This fact alone should be sufficient evidence of the folly of permitting a small minority to call a special

election in spite of the wishes of the majority.

Another advantage of the plan here suggested is this: It would remove to a large extent one of the greatest objections to the method of exercising the recall, to-wit: the warring between candidates before the recall itself has been decided. It is the general consensus of opinion that **the question of recalling an officer should be absolutely divorced from the question of considering other candidates for the office.** It has been found that unless this is done other issues will be introduced and the merits of the recall proposition lost sight of; in fact, the issue develops into an ordinary political campaign.

There is no question but that the initiative, referendum and recall may be considered as permanent fixtures of our system of government. They should not be regarded, however, as weapons of attack to be used on the slightest provocation, but rather as protective measures **to be resorted to only when all other means have failed.**

The following is a list of the cities and towns that have turned their powers of control over to the railroad commission, up to date:

Palo Alto, Willits, Orange, Covina, Monterey, Salinas, Eagle Rock, Antioch, Ontario, Belvedere, Daly City, San Jose, Huntington Beach, Taft, Petaluma, San Rafael, Oroville, Claremont, Oakland, Bakersfield, Napa, Vallejo, San Leandro, Mill Valley, Oakdale, El Centro, Newport Beach, Kennett, San Anselmo, Sisson, Hemet, Santa Maria, Tracy, Sonora, Redondo Beach, Morgan Hill, San Mateo, Pacific Grove, Paso Robles, Hermosa Beach, Redlands, Inglewood, St. Helena, Los Gatos, Sausalito, Corona.

TRADE NOTES.

The Portland, Ore. office of the United States Cast Iron Pipe & Foundry Company has been moved from the Yeon Building to room No. 834, Northwestern Bank Building. Mr. F. B. Dudley is sales agent.

THE COMING OF THE CITY MANAGER PLAN

[This is the report of the National Municipal League's committee on the commission form of government and is a supplement to its report¹ made two years ago at the Richmond conference of the League.]

Instead of 3, 894,173 as in 1911, commission government now rules a population of 7,086,225 and the number of towns and cities under this form has increased from 93 to 300.

The Des Moines charter is still the standard.

Nine cities have followed the Grand Junction (Colo.) variation which provides the preferential ballot. The device has proven workable and economical and the extension of its use deserves encouragement.

The recent city manager variation, hereinafter described, embodies the first significant change in structure.

One much mooted question has always been whether commissioners should be elected for specific posts (as in Lynn, Mass.) or on a general ticket with power to divide the departments among themselves after election (as in Galveston and Des Moines.) The tendency of chartermakers since 1911 is toward the Lynn system. The Kansas law has been amended after a trial of the Des Moines plan and the Lynn plan substituted.

The argument for the original general ticket plan is based on the grounds that the people will in either case elect on issues of representation rather than on issues of the technical fitness of candidates, and that in such case the commission by intensive close-hand investigation of the experience and ability of its members can make best use of the

material available. Moreover election to specific office tends to create five city governments instead of one, diminishes the influence and control of the commission over its individual members and thus interferes with the "unification of powers."

Advocates of the "specific-office" plan point out that candidates are entitled to know what their positions will be in the government and the voters, too, are entitled to know what department a given candidate, if successful, will direct. A candidate may not desire to run unless a certain department is to be his and the voter may willingly vote for a man as candidate for one department but not for another department.

A majority of your committee believes that neither solution is as sound as that offered by the city manager plan in which the whole question disappears (see "6" below).

The City Manager Variation.

Definition of the city manager plan: A single elective board (commission) representative, supervisory and legislative in function, the members giving only part time to municipal work and receiving nominal salaries or none.) An appointive chief executive (city manager) hired by the board from anywhere in the country and holding office at the pleasure of the board. The manager appoints and controls the remaining city employees, subject to adequate civil service provisions.

History: The first city manager charter was presented to the legislature of

¹That report appeared in the *National Municipal Review* for January, 1912 (vol. I, p. 40).

The major features of the former report were as follows:

"1. Commission government is a relative success.

"2. This relative success of commission government results primarily because it is more democratic (i. e., sensitive to public opinion) than the old forms. Among the features which undoubtedly are responsible for this increased sensitiveness are:

"a. Its unification of powers.
"b. The short ballot.

"Being acutely sensitive, and therefore anxious to please, commission government has been giving the people better government.

"Commission government could reasonably be expected to succeed with these features alone, and no new charter should ever be classified as true commission government which lacks these essentials."

The committee consists of William Bennett Munro, Harvard University; Charles A. Beard, Columbia University; Ernest S. Bradford, Washington; Clinton Rogers Woodruff, Philadelphia, and Richard S. Childs, New York, Chairman.

New York in 1911 by the Lockport board of trade and widely commented upon as "the Lockport plan." It failed of passage in the legislature.

In 1912 it was adopted by the South Carolina legislature in a special act for the city of Sumter (population 8109) and subsequently adopted by that city, going into effect January 1, 1913, and thereafter known as the Sumter plan.

In 1913 it was adopted by Hickory, N. C. (population 3176), and Morganton, N. C. (population 2712); Dayton, O. (population 116,577); Springfield, O. (population 46,921); La Grande, Ore. (population 4843); Phoenix, Ariz. (population 11,134); Morris, Minn. (population 1885). Adopted as one of three plans in a general optional law by the Ohio legislature, applicable to any city.

It was also submitted, unsuccessfully, in Elyria and Youngstown, O.

The Lockport draft remains at present the model and **the Springfield charter is the best thus far put into effect.**

Comments. The swift development of popularity for the city manager idea ensures a wide and thorough trial of the plan and its rapid spread may be confidently predicted.

This variation has both of the great basic merits which our earlier report ascribed to the original commission plan, namely, the "unification of powers" and "the short ballot."

At this point the committee divides.

Majority Report.

Majority report as to the city manager variation of commission government by Charles A. Beard, Clinton Rogers Woodruff, William Bennett Munro and Richard S. Childs.

The city manager feature is a valuable addition to the commission plan, and we recommend to charter-makers serious consideration of the inclusion of this feature in new commission government charters. Its advantages are:

1. It creates a single-headed administrative establishment instead of the five separate administrative establishments seen in the Des Moines plan. This administrative unity makes for

harmony between municipal departments since all are subject to a common head.

2. **The city manager plan permits expertness in administration at the point where it is most valuable, namely, at the head.**

3. It permits comparative **permanence in the office of the chief executive**, whereas in all plans involving elective executives, long tenures are rare.

a. This permanence tends to **rid us of amateur and transient executives** and to substitute experienced experts.

b. This permanence gives to the administrative establishment the **superior stability and continuity of personnel and policies** which is a necessary precedent to solid and enduring administrative reforms.

c. This permanence makes **more feasible the consideration and carrying out of far-sighted projects** extending over long terms of years.

d. This permanence makes it **worth while for the executives to educate themselves seriously in municipal affairs**, in the assurance that such education **will be useful over a long period and in more than one city.**

4. The city manager plan **permits the chief executives to migrate from city to city**, inasmuch as the city manager is not to be necessarily a resident of the city at the time of his appointment, and thus an experienced man can be summoned at advanced salary from a similar post in another city.

a. This exchangeability opens up a splendid new profession, that of "city managership."

b. This exchangeability provides an ideal vehicle for the interchange of experience among the cities.

5. The city manager plan, while giving a single-headed administration, **abolishes the one-man power** seen in the old mayor-and-council plan. The manager has no independence and **the city need not suffer from his personal whims or prejudices** since he is subject to instant correction, or even discharge, by the commission. Likewise, in the commission, each member's individual whims or prejudices are safely sub-

merged and averaged in the combined judgment of the whole commission, since no member exerts any authority in the municipal government save as one voting member of the commission.

a. This abolition of one-man power makes safer the free-handed extension of municipal powers and operations unhampered by checks and balances and red tape.

b. More discretion can be left to administrative officers to establish rulings as they go along, since they are subject to continuous control and the ultimate appeal of dissatisfied citizens is to the fairness and intelligence of a group (the commission) rather than to a single and possibly opinionated man (an elective mayor). Inversely, laws and ordinances can be simpler, thus reducing the field of legal interpretation and bringing municipal business nearer to the simplicity, flexibility and straight-forwardness of private business.

6. The city manager plan abandons all attempts to choose administrators by popular election. This is desirable because:

a. It is as difficult for the people to gauge executive and administrative ability in candidates as to estimate the professional worth of engineers or attorneys. As stated under No. 13 in our 1911 report, such tasks are not properly popular functions.

b. By removing all requirements of technical or administrative ability in elective officers, it broadens the field of popular choice and leaves the people free to follow their instinct which is to choose candidates primarily with reference to their representative character only. Laboring men, for instance, can then freely elect their own men to the commission, and there is no requirement (as in the Des Moines charter) that these representatives shall, despite their inexperience in managing large affairs be given the active personal management of a more or less technical municipal department.

7. The city manager plan leaves the lines of responsibility unmistakably clear, avoiding the confusion in the Des

Moines plan between the responsibility of the individual commissioners and that of the commission as a whole.

8. It provides basis for better discipline and harmony, inasmuch as the city manager cannot safely be at odds with the commission, as can the Des Moines commissioners in their capacity as department heads, or the mayor with the council in the mayor-and-council plan.

9. It is better adapted for large cities than the Des Moines plan.

Large cities should have more than five members in their commission to avoid overloading the members with work and responsibility, and to avoid conferring too much legislative power per individual member.

Unlike the Des Moines plan, the city manager plan permits such enlarged commissions, and so opens the way to the broader and more diversified representation which large cities need.

10. In very small cities, by providing the services of one well-paid manager instead of five or three paid commissioners, it makes possible economy in salaries and overhead expenses.

11. It permits ward elections or proportional representation as the Des Moines plan does not. One or the other of these is likely to prove desirable in very large cities to preserve a district size that will not be so big that the cost and difficulty of effective canvassing will balk independent candidacies, thereby giving a monopoly of hopeful nominations to permanent political machines (see No. 11 in the 1911 report).

12. It creates positions (membership in the commission) which should be attractive to first class citizens, since the service offers opportunities for high usefulness without interruption of their private careers.

Minority Report.

By Ernest S. Bradford.

Greater unity in city government, which is coming to be demanded in some commission governed cities, can best be secured by giving the mayor more power than the other commission-

ers, thus placing him in the position to properly co-ordinate the activities of all departments and to compel, if necessary, unity of action. This is in line with previous recommendations of the National Municipal League, which has favored a strong mayor. It is doubtful whether the idea should be carried as far as it is applied in Houston, Texas, but it may be desirable to experiment in this direction. The mayor would, in this case, become the managing and directing force of the city.

The city manager plan departs in several respects from commission government lines, and it is doubtful whether it should be classed as a mere variation of commission government rather than a brand new plan. It contemplates, we are told, the election of a commission unpaid, or receiving only nominal salaries. Most commissioners are paid, under the commission form, some well paid; many devote their entire time to city affairs.

The city manager plan permits election by wards. Every commission governed city so far has abandoned ward elections.

The city manager plan should be tried and the results secured under its operation impartially examined; but it should not be classed under the head of the commission form until it is very clear that it substantially agrees with the important features of that form. The same credentials should be required of this new plan as were held necessary in the case of the commission form, i. e., evidence that under it municipal conditions are better than they were under the aldermanic form; and in addition, the evidence should be clear that the city manager plan is superior to the commission form, before the latter, now tested for ten years and more, is relinquished for a new and untried type of government.²

²Since the above report was presented, three towns—Terrell, Texas (population 7050), Amarillo, Texas (population, 9957) and Abilene, Kansas (population, 4118)—have changed from the Des Moines type to the city manager type of commission government.—National Municipal Review, Jan., 1914.

DEFECTS IN THE DAYTON CHARTER.

From the National Municipal Review, January, 1914.

At the present time when the agitation in favor of the so-called city manager plan of city government is becoming so wide-spread as to attract nearly universal attention, it is well to distinguish between the merits of the plan *per se* and the features of any particular charter that may be cited as putting that plan into effect.

The charter most frequently cited in this connection within the last few months is that of the city of Dayton. Dayton being the largest city in this country that has so far put the plan into actual operation interest is naturally centered on that place, and copies of the Dayton charter are in great demand wherever any interest is shown in the new movement. It is especially desirable therefore that a general indorsement of the city manager plan be not misconstrued into an indorsement of all the features that are found in this charter, which has assumed more or less, through the recommendations of the Dayton bureau of municipal research, the rôle of a model charter for other municipalities desirous of following the new lines.

It is quite unnecessary here to discuss the merits of the plan for expert city administration of which the city manager movement is properly considered as the chief exponent. On the advantages of expert city administration students are agreed, and it is also true that the city of Dayton has definitely declared itself in favor of the application of the principle, and to that extent deserves the admiration and congratulations of the supporters of efficient city government throughout the country.

But there are some features of the Dayton charter which seem to be undesirable and yet which, unfortunately, would be just as likely to be copied in other city charters as would be the commendable ones.

Three of these defects deserve particular mention, one of them in fact being

of a nature to destroy in a measure the very benefits which this new plan is meant to secure.

The first of these weaknesses is found at the very beginning of the charter where in section 1 an enumeration of the powers of the corporation is attempted. Now it is a well recognized fact that the practice of enumerating the corporate powers of cities has been the source of great inconvenience, in this country. No enumeration can ever be complete and so it is necessary to add, as has been done in section 2 of the Dayton charter, that "the enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have, and may exercise all other powers which under the constitution and laws of Ohio it would be competent for this charter specifically to enumerate." Even if such a blanket provision affected its purpose, namely, to confer upon the city all local powers so far as possible under the laws and constitution, we would at least have to conclude that the enumeration in section 1 is surplus verbiage. But that is not all, **for courts have repeatedly taken the view that the principle of *inclusio unius, exclusio alterius* will be applied whenever there is an enumeration of such corporate powers, and that a blanket clause like that of section 2 above will not be given effect.** Hence such an enumeration so far from being of any benefit may be a positive detriment. **Much better, therefore, would it be, to make a general grant of powers subject to the limitations imposed in the charter.**

The second feature of the Dayton charter which it would seem **undesirable for other cities to copy** relates to the nomination provisions. More than two pages are taken up with regulations concerning primary elections, when it would have been much simpler to provide for nomination by mere declaration, on the English plan. Primary elections are no doubt superior to the old packed convention system of party nomination, but where it is the avowed

purpose of a charter, as it is that of the Dayton charter to have "party politics eliminated" it is unnecessary to have any kind of formal nomination procedure. **Primary elections double the cost of elections, and what is worse double the burden of the elector,** which means just that much less participation by the voters, especially the best fitted ones. If a multiplicity of candidates is feared, it is suggested that the probability of minority candidates being chosen as a result of many applicants is on the one hand not a real danger and on the other can be met in a simple manner. That facility in becoming a candidate does not necessarily lead to a plethora of aspirants is shown by the experience of England. But even if it should do so in this country the danger of minority choices can be met by the use of the preferential ballot.

The third objectionable feature of the Dayton charter is of much greater significance because it seems to strike right at the heart of the city manager principle. **By section 13 of the charter the city manager is made subject to recall.** Now it seems clear that the very first step in the direction of expert city administration was to take the choice of the experts out of the hands of the electorate and to put it into the hands of some other organ, the council or the mayor as the case might be. It was felt that this offered greater opportunity of getting an expert man in the first place and of having him administer the affairs of the city energetically, without continually weighing in his mind the probable effects of enforcing this or that administrative measure which might be disagreeable to this or that influential political individual or group. If it is characteristic of the city manager plan to make the commission or council responsible for choosing the best man for the place, what possible justification can there be for making that same man subject to recall by the electorate. **If he must "make a hit with the people" to keep from being recalled, he is scarcely in a better situation than if he has to make a hit with the people to be elected in the first place and his motives will inevitably**

be influenced by the contemplation of what response this or that proposed improvement will meet with in the minds of the voter.

We have made a long stride in the right direction when we discard the fallacy of trying to elect expert administrators by popular vote. **Let us not slide back half way or more by allowing popular vote to determine whether or not such an administrator shall continue in office.**

HERMAN G. JAMES.

PREFERENTIAL VOTING.

ITS PROGRESS, WITH COMMENTS AND WARNINGS.

The outlook for preferential voting is good. Much has already been accomplished, and much more seems at hand. It looks as if preferential voting were about to sweep the country as did its logical forerunner and basis, the Australian ballot.

The country is finding in the Bucklin system—as I believe the Grand Junction system shorn of a couple of its minor non-essential features should be called—the **system it has long been waiting for.** This system is seen to be simple, easily explained, understood, voted and counted. It appeals to voters as likely permanently to increase the ease of attracting desirable candidates into the field, and to secure the election of some one loyal to the majority interest, as against the machine or special interest. Voters in general have little interest in the sole theoretical objection raised against it that a vote in the second or third column may contribute to the defeat of a voter's first choice. The voter sees that his second or lower choice man out of an abundant field of good candidates will be on the side of the public interest as well as his first choice man, and that after all is the question before the house. The satisfaction in greatly increased power to keep bad and incompetent men out greatly outweighs with him the risk to a minor personal preference here and there. He sees moreover that this very imperfection tends still more com-

pletely to turn the tables on the machine partisan or henchman who puts personal aspirations ahead of the city's good, and into whose hands the present system so unfairly plays.

In a word, the Bucklin system is so much better adapted to present-day conditions than anything else either in use or in sight, that voters take to it with enthusiasm. It is apparently the only one with a future for municipal elections. Its claims for preference as an essential adjunct to direct primaries, as well as a means for supplanting all primaries, I believe, are equally strong.

For very small cities, and particularly for small private organizations of voters of exceptional intelligence another system—the Nanson system—should be considered, but it is generally regarded as too complicated for serious consideration at present for ordinary public elections.

Explanation of Bucklin System.

The Bucklin system, as I am using the term in recognition of the Hon. James W. Bucklin of Grand Junction, Colorado, who originated it and got it into use, is the Grand Junction system minus all dropping of "low men" and minus the stipulation that one of each list of candidates must be left unvoted for.

The system may be briefly described as follows: The ballot shown herewith differs from the familiar Australian form only in having three columns at the right of the names, for crosses, instead of only one such column.

A voter marks his first choice by placing a cross in the first or left hand of these columns opposite his first choice candidate's name, and, if he wishes, a second choice by a similar cross in the second column, and **as many other choices as he desires** (without attempting to grade them) by additional crosses in the third or right hand column, but only one choice will be counted for any one candidate. If a candidate receives a majority of the first choices, he is elected; if not, the first and second choices for each candidate are added together. The man

then highest wins, provided he has that majority; if no one thus receives a majority, all three choices for each candidate are added together and the highest man wins whether he has a majority or not. This, with elimination of the primary election ensures either that the man elected is either the choice of a majority of the voters, or is the man among the nominees commanding the largest following of all after a free and full expression of choice by the voters. In fact there will be a majority of the voters behind the winner, unless the list of nominees contains no one who can command a majority. Then we have the next best thing and probably the best possible with that list of nominees.

Results of Its First Trial.

How it works out in practice is significantly shown by the results of its first trial in Grand Junction. These results are here given, for they are not yet widely enough known.

Practical working of preferential voting, Grand Junction, Colorado, November 2, 1909.

Total number of ballots cast.....	1847				
Majority (of first choices).....	900				
Result of the votes for Mayor:					
	First Choice.....	Second Choice.....	Other Choices.....	Combined Firsts and Seconds.....	Combined Firsts, Seconds, Others.....
D. W. Aupperle.....	465	143	145	608	753
*W. H. Bannister.....	603	93	43	696	739
N. A. Lough.....	39	231	328	330	658
*E. B. Lutes.....	41	114	88	155	243
E. M. Slocumb.....	229	357	326	586	912
Thomas M. Todd (elected).....	362	293	396	655	1051
	1799	1231†	1326†		

*The starred men were the anti-charter candidates; the others the pro-charter candidates.

†The light vote in the second and third columns is of course due to the 603 Bannister voters' natural concentration on the only candidate acceptable to them. This gave them a lead in first choices, but being in the minority they could not win against a majority enabled by this ballot to get together.

Omitting reference to the Grand Junction practice of "dropping the low man"—an unsentimental complication, not likely to be widely adopted, not included in the Bucklin system, and without influence on this result—the decision was drawn from the foregoing figures as follows:

Progress of the Bucklin System.

The progress of the Bucklin system is to be seen from the fact that, since Grand Junction put preferential voting into use, less than four years ago, at least eleven other cities have embodied it in their charters, so that preferential voting is in force today in at least twelve cities aggregating in population over a million and a quarter, and is embodied in proposed new charter drafts in numerous others, including Detroit, Michigan. Outside of Grand Junction, and apart from needless and easily corrected mutilations in three or four other cities more fully taken up below, the system in all these cities is the Bucklin system. The cities with dates of adoption of preferential voting and with 1910 population are:

1909	Grand Junction, Colo.....	7,754*
1910	Spokane, Wash.....	104,402*
1911	Pueblo, Colo.....	44,395*†
1912	New Iberia, La.....	7,499*†
1913	Duluth, Minn.....	78,466*
1913	Denver, Colo.....	213,331*
1913	Colorado Springs, Colo.....	29,078*
1913	Portland, Ore.....	207,214*†
1913	Nashua, N. H.....	26,005
1913	Cleveland, Ohio.....	560,663‡
1913	Fort Collins, Colo.....	8,210*† (?)
1913	La Grande, Ore.....	4,843*† (?)
	Total.....	1,291,910

*Commission form charter.

†Restriction to one vote in the third column for each office to be filled. The provisions in this respect in the two small places last named are not quite clear.

‡2500 signatures required for nomination of mayoralty candidates.

Spokane, Duluth, Portland and Nashua elect two to five candidates from a group, with as many first choices and as many second choices permitted as there are offices to be filled. In such cases care is taken to provide for the event of more candidates getting a majority of first choices than there are offices to be filled. Of course this is simply done by taking the highest ones up

No one having a majority in first choices, the first and seconds were added together. Then the leading candidate, Bannister, provided he had a majority, would have won.

No one having a majority by combined first and seconds, the first, second and other choices were added together, and Todd, the candidate then leading, won.

Under the usual plurality system the minority would have beaten the majority and elected Bannister.

Under the Berkeley, Des Moines, Los Angeles or Seattle plan, that of second elections, there would have resulted a contest, possibly bitter, between Aupperle and Bannister, neither of whom had a majority of the people behind him.

to the requisite number. Spokane, Duluth and Portland are the only ones of the commission governed cities above mentioned which do not elect to specific office and are thus led to election of more than one from a group.

Spokane and Duluth have curious and dubious prescriptions that a voter must vote as many first choices as there are places to be filled from the group, or have his ballot rejected. This seems an unwarranted infraction of the voter's liberty.

It is interesting to note that Colorado Springs is the first city to modify a pre-existing commission charter by the substitution of preferential voting (with election to specific office) for the conventional double election system of Des Moines with election to undesignated places in the council.

Among the cities in which the Bucklin system is embodied in proposed new charters are Bangor and South Portland, Maine, Cambridge and Springfield, Massachusetts, and Detroit, Michigan. In Houston, Texas, there is a proposal to introduce it into the city primaries, with retention of the second election.¹

More Recent Results.

Some of the most strikingly gratifying results with the preferential ballot have been reported from Grand Junction, Spokane and Portland. The combination of preferential voting and nomination to specific office resulted in Denver in the noteworthy result in the election from among 23 candidates of an exceptionally qualified Commissioner of Improvements, Mr. Hunter. Moreover he polled the highest total vote of any of the 135 candidates for the six offices. It is certainly a sign of the new politics when the choice and nominee of the local members of the most influential national society of civil engineers can not only be brought within reach of the voters for public administrative office but be so handsomely elected, as was the case with Mr. Hunter.

In New Jersey the Democratic, Progressive and Republican platforms all call for the adoption of the preferential ballot in the direct primary system of that State.

Some complaint of the result in Denver is heard from some of the more radically progressive sources because the winners were on the whole not progressive enough to suit them. But close and fair observers believe that they are fully representative of the public sentiment of Denver as it is—and that is what the preferential ballot is intended to elect. Moreover, extremes of radicalism and reaction should probably be referred to the initiative as their proper field of activity—and Denver has the initiative.

The Denver election illustrates another thing worth noting, and one likely to happen in such large cities, especially at the first election. In such cases even in a long list of nominees, there may well be few or no names both widely enough and favorably enough known to command a majority vote. In subsequent elections, the probably excellent records of the officers up for re-election, the fewer offices to fill, improved means of publicity on the merits of candidates, should all tend to produce a larger support for the winning candidates.

In Denver there were 135 nominees for five commissionerships and an auditorship, the number for each office ranging from 14 for the auditorship and an equal number for commissioner of finance, to 29 for commissioner of social welfare. No one got a majority even by a combination of all choices. The winners had the support of from 23 per cent in the lowest case to 42 per cent in the highest of the voters at the election. Similarly in the first election in Spokane under the new system only one of the 5 winning candidates out of a field of 92 got a majority, and in Portland only 3 of the 6 winners out of a field of 88.

Warnings From Experience.

But this excellent progress brings with it not only encouragement, but also some warnings which should be

¹This proposal was carried by popular vote, October 15, 1913.

noted and acted upon. These may be plain enough from the foregoing, but they may briefly be summarized as follows:

1. **No system of voting, preferential or other, can ensure, in any literal sense, a majority support for the winner.** While the Bucklin system of preferential voting probably comes nearer to this standard than any other at present practicable, the enthusiastic supporters of even that system should refrain from calling it, without qualifications—a majority system.

Obviously for any candidate to get a majority, he must be known both widely enough and favorably enough to get the votes of the majority at least of those who cast ballots. One so-called "absolute-majority" system is so called because by a system of dropping low men or choking them off by primary elections only two are left in the contest and of course one gets more than the other, without necessarily having a majority or being able in a free open election to get a majority of the votes of the voting body. The man elected by either of these systems may actually be among the very least acceptable of the lot to the majority.

The political objection to the too sweeping name of "absolute majority system," is its tendency to undermine public confidence in those who are ready to lead. It offers an opportunity to the objectors for troublesome taunts, intrinsically worth little, to be sure, but with a show of justification which progressives should be too astute to provide.

While conceding that majorities are not always to be had, least of all in first elections in large cities, we may fairly assert that **a plurality indicating the man who is preferred above all others in a free and open contest in which each voter may vote for every candidate to his liking, and need vote against no such candidate is the safest known criterion for election** when there is no majority obtainable for any candidate.

2. **The uselessness and danger of restrictions upon the number of third**

column choices. Happily the large cities imposing such restrictions are in the small minority, but that there should be any is surprising. Such restrictions are obviously in violation of the fundamental principle and purpose of the preferential ballot. This purpose, I take it, is to provide a means to secure the safest possible choice in one election from a large number of nominees—with a majority if possible, if not, the next best thing, behind the winner. To put it another way, it is intended to make it as easy as possible for voters of a certain type automatically to get together behind some one of a large number of nominees of the same type. If the number of choices is restricted at all, just so far the possibility of getting together is threatened. For example, suppose there are nine good candidates, A, B, C, etc., only three choices permitted, and two-thirds of the voters want some one of those nine. The two-thirds could readily be divided into three groups, one group voting for A, B, and C; the next for D, E, and F; the third for G, H, and I. The largest of these groups might well fall below one-third the whole body of voters even to less than a fourth, and thus meet defeat at the hands of a united machine ruled one-third, concentrated by means they know how to use, on a single candidate. This danger may seem remote, but it is hard to see what excuse there is for risking it. Some may carelessly think if one choice is good, three choices are three times as good and that is good enough. The answer of course is that nothing is good enough, but the safest and best. Others may dread careless marking in the third column by voters if left unrestricted. The answer is two fold: the voters understand—as experience has shown—that they must not vote any choice for a man unless they are willing to help elect him—and the actual voting in the third column is as yet too light rather than too liberal. In any event the intelligent voter's free choice should not be hampered for fear of careless work by the foolish few—which would result in the election of only such as have a very widespread support, and

hence could not be very far from a real majority choice.

If, as in one system made practicable only by dropping low men, the choices are restricted to two, the evil above pointed out is intensified, to say nothing of the evil inherent in dropping low men that the "low man" dropped even in an apparently close election may be the preference of the overwhelming majority over the actual winner.

Restrictions in the number of allowed choices are needless and dangerous but, happily, unusual. No evidence of actual harm from them in the few cities which have them has, however, yet been reported.

3. **The excessive number of signatures sometimes required upon nominating petitions.** A high number is chosen as a means of choking off trifling nominations. It will no doubt do it to some extent, though very clumsily. But it will tend also to choke off many a desirable nomination. The organized interests with money do not find it hard to meet such requirements, and the normal type of citizen with no ax to grind finds such red-tape prescriptions burdensome and distasteful. Such unreasonable and unattractive burdens on legitimate political activity breed the very apathy out of which we are hoping to arouse citizens at large.

With 25 sufficing in cities ranging up to Lowell, Massachusetts (population 106,294) and 100 sufficing in Denver (population 213,381), Portland (population 207,214) and Los Angeles (population 319,198) in all three of which women vote and greatly increase their voting populations relatively to Cleveland, it is hard to see why Cleveland should take such an extreme figure as 2500. Boston, to be sure, used 5000, and with little satisfaction, as a means of choking off trifling nominees, but there is an excuse for this in that their elections are upon the old-fashioned single-choice vote plurality system of our grandfathers and many candidates under that system would be highly dangerous. Even the 5000 requirement did not prevent the appearance of two trifling candidates out of four, whose

combined vote came to less than 2500 in a total for all four of 95,356. These two, however, split the vote and the office went on a mere plurality to the anti-charter candidate for mayor. This kind of thing is particularly serious because it, not unnaturally, undermines public confidence in "reform."

Summary of Advantages of Preferential Voting.

Among the chief advantages of preferential voting are:

1. It permits the abolition of primaries without interference with the democratic method of nomination by a merely nominal number of petitioners.

2. It permits the nomination of a large number of candidates with practical elimination of the danger of split tickets.

3. It fosters campaign methods which greatly reduce the difficulty of getting high grade men to stand for office. It minimizes the unattractiveness of the campaign and effectively discourages "mud-slinging,"—the candidate who might otherwise descend to slander of his opponents is deterred by fear of alienating second or other choice votes which might come his way. The responsibility on any one nominee to win may become so slight that a man may accept a nomination in the midst of an absence from the State which is prolonged till after election day—and still be elected. This actually happened when the president of the Spokane Chamber of Commerce was thus elected in 1911 as one of a commission of five to a four-year term and from a list of ninety-two nominees for the commission. Other results in preferential voting cities show that the voters are quick, as might be expected, to elect a better grade of officials as soon as they are brought within their reach.

4. It is believed to be the safest known means of election for protecting the majority interest against machine or special interests. It cannot, of course, insure a majority for the winning candidate—no system of voting can do so in any literal sense—but, in

ease no one running is widely and favorably enough known to command a majority in a free, open expression of choice, it offers a greater likelihood than any other known system that the winner will be of a type loyal to the majority interest, rather than to any machine.

5. It greatly **simplifies the supremely important problem of securing high-grade, non-place hunting and competent elective officials.** The reasons are suggested in the two preceding sections, but this advantage is important enough to warrant separate emphasis.

Of course the easily obtained nomination, freedom from machine control, improved campaign conditions, and good chance for victory for an honest, competent, non-self-seeking candidate, which are features of preferential ballot elections, must be supplemented by holding out to such candidates properly attractive office-holding conditions. This part of the problem has fortunately, however, been pretty well solved in our commission governed cities and the preferential ballot comes in as a most welcome means of filling out a hitherto most troublesome gap in our election methods.

In closing, it should be once more emphasized that allowing voters merely a first and second choice does not in a proper sense constitute preferential voting. Since the purpose of the new system is to offer the easiest and most nearly certain means for the majority sentiment to crystallize behind some one of a large number of nominees for an office, it is obvious that voters must be permitted to vote—in one order or another—for **all the candidates they wish to support.** Only a small minority of the cities mentioned have fallen into the seductive, dangerous and wholly needless error of limiting the allowed number of choices, and it is to be hoped that this erroneous practice will not spread.

LEWIS JEROME JOHNSON.

In the National Municipal Review, January, 1914.

Street Improvement Bonds.

Considerable business is being done at present in street improvement bonds, that is bonds issued to cover assessments levied under the street improvement acts. These bonds are a first lien on the property and take precedence over all mortgages, deeds of trust and other liens, except taxes, even including those that were in existence before the bond was issued against the property. The bonds carry seven per cent interest per annum, payable semi-annually. They are not redeemable prior to maturity except at the option of the bond holder, and are free from all taxes.

In case of default the bondholder simply notifies the treasurer of the municipality in writing. Thereupon that official is obliged under the law to advertise and sell the property. From the funds thus received he must pay the bond in full. The bondholder is amply secured and the hazard is very slight. Under these circumstances street improvement bonds should be a very attractive investment.

Organization of City Engineers.

The engineers of the various cities and towns around the Bay of San Francisco assembled together in Solari's restaurant on February 14, in a room adjoining that occupied by the city attorneys, and decided to form a permanent organization. Mr. J. J. Jessup, City Engineer of Berkeley was elected president. The engineers feel that there are many advantages to be derived from association and getting together occasionally. They intend co-operating with the attorneys and will take up various questions associated with the conduct of proceedings under the street improvement acts, and other matters connected with municipal work. The engineers held a second meeting in Oakland on March 14. Another meeting will be held in Berkeley some time next month.

STREET IMPROVEMENTS THE RIGHT START

By GEORGE NELSON, C. E.

Our ideas of municipal life have undergone great changes during the last decade. The town of today is no longer an accident; it has a definite purpose, a function to perform in the life of the nation. It is the seat of the homes where we rear and educate the next generation. And we have just awakened to the fact that it requires an activity of a kind not connected with the pursuit of the dollar in order to make the municipality do its part.

The little shack, the mud street, the individual privy and the garbage pile are on the chute, and the town that does not take up the improvement question in all its branches is lagging behind in the greatest function it is in duty bound to perform.

One of the most important matters confronting a municipality in this connection is the improvement of its streets. What streets to improve? What materials to use? Where to begin? How to pay for it? These are the first questions that have to be met and answered.

As it is no longer possible for a city to remain a unity unto itself, it must have easy connection with the outer world. A city has physical connection with the outer world in several ways, but principally through the railroads and the State and county highways. Therefore the first improvements to be made of this character should not be confined to the streets in the business center of the town, but should include all streets leading from the center to the depots, and also those leading out and connecting with the main county roads.

The pavement for these streets should be of recognized standard construction and of a character that will withstand all the different kinds of traffic to which they are likely to be subjected.

They should have a substantial base

of either broken rock well rolled, asphaltic concrete or hydraulic cement concrete laid on a well prepared and well rolled sub-grade. On such a base there should be constructed a first-class wearing surface of not less than two inches in thickness.

The streets in the residence district may be treated by various other methods, dependent upon the grades and traffic, and the development and character of the abutting property and its ability to pay for the improvement.

In view of the fact that California is an asphalt producing State we shall limit the description of the various types of pavements in use to those which use an asphalt or an asphaltic oil as the binding material.

1. Oiled Macadam: This type of pavement is constructed in several ways. In cases where an old waterbound macadam already exists, and it is sufficiently thick to leave macadam enough after the street is brought to proper cross-section, it is scarified, cleaned off and covered with a coat of oil put on by a pressure oiler of some kind. This treatment has to be repeated as often as the surface commences to disintegrate.

Where no old macadam exists a new macadam is built usually in two layers; the first consisting of large stone, sometimes with a filler of smaller stone, the second layer always with a filler of smaller stone and fine stone and sand, so as to make an even surface. Both layers receive the oil treatment in varied degrees.

Advantages: Cheap to construct and somewhat easy to repair; besides it requires no sprinkling.

Drawbacks: Requires early and constant repairs where subject to medium traffic conditions. Strong tendency to wave, roll and creep. Is not desirable except for very light traffic.

2. **Sheet Asphalt:** The well-known pavement commonly known by this name usually consists of two layers; the first being a binder course of broken stone coated with asphaltic cement, and the second layer, a mortar wearing surface of graded sand and mineral dust cemented together with an asphaltic cement. It derives its lateral stability from the binder course and its surface stability from the correct grading of the sand in the surface mixture aided by the cementing qualities of the asphalt.

Advantages: Smooth appearance when first laid; easily kept clean.

Drawbacks: Extremely slippery in rainy or even damp or foggy weather both for horses and automobiles; cuts for pipe ditches almost impossible to repair without causing permanent injury to pavement; tendency to wave and roll.

3. **Topeka Specifications:** This is a sheet asphalt pavement to the sand surface of which has been added up to 10 per cent of $\frac{1}{2}$ -inch rock and also some $\frac{1}{4}$ -inch rock; is usually laid without a binder course.

Advantages: Smooth appearance when first laid; easily kept clean.

Drawbacks: Extremely slippery in rainy or even foggy weather both for horses and automobiles; cuts for pipe ditches almost

impossible to repair without causing permanent injury to the pavement; tendency to wave and roll; has no advantages over sheet asphalt as the quantity of rock introduced is not sufficient to give inherent stability or roughen the surface.

4. **Asphalt Concrete:** This is a mixture of rock (from one inch to dust) and asphalt; the proper grading of the rock is usually not followed closely in this type.

Advantages: Easy to repair; gives a good foothold for horses and a grip for automobile tires.

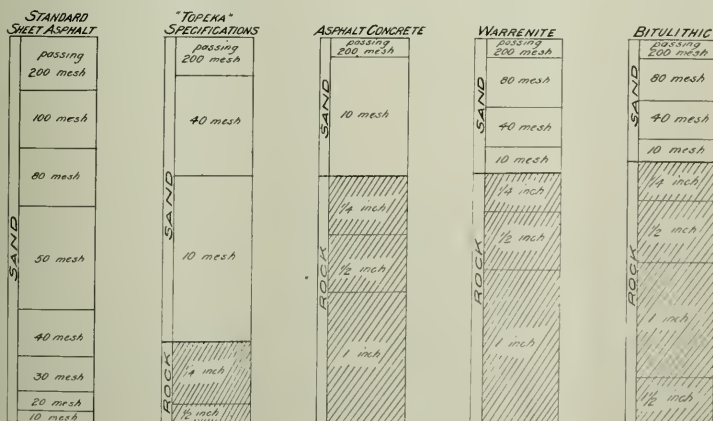
Drawbacks: Owing to the lack of proper grading of the rock it does not wear uniformly, consequently going to pieces more rapidly than otherwise.

5. **Bitulithic:** Mixture of crushed rock and asphalt, the rock graded from $\frac{1}{2}$ -inch down to dust in such proportions as will insure the maximum density and enable it to possess inherent stability; is universally recognized as a high-class pavement.

Advantages: Gives a good foothold for horses and grip for automobile tires, even on grades up to 20 per cent; cuts for pipe trenches easily repaired without injuring the pavement or leaving a trace of the new work; is sanitary and easily kept clean.

Drawbacks: Requires extreme care and watchfulness in construction, and cannot be made except with first-class stone.

The following diagram shows the quantities or proportionate grading of the various ingredients used in the different pavements above-mentioned, from which it is easy to see where the lasting qualities are located:



∴ ∴ EDITORIAL ∴ ∴

FRAMING NEW CHARTERS.

In accordance with the announcement in the last issue of "Pacific Municipalities," this number is devoted largely to the latest and best ideas relating to municipal charters. Boards of Freeholders and others interested in new charters or charter amendments are advised to give these matters their most serious consideration. A number of cities are planning to frame new charters within the next six months so that they may be ratified by the legislature which will convene in January. It would be very gratifying and of considerable credit to the League of California Municipalities if the cities of California should take the lead in securing model municipal charters.

In the next issue we will publish a complete synopsis of the new charter of Springfield, Ohio, which the committee of the National Municipal League has declared to be the best charter yet devised. We will also publish an article on "The Publicity of Candidates," a new idea that has been accepted by a charter committee of the City of Alameda and is very highly regarded by a similar committee of the City of Richmond. We will also publish a synopsis of a model charter framed by Mr. Herman G. James of the University of Texas and Secretary of the Texas League of Municipalities.

THE NEXT ISSUE.

In the June issue of "Pacific Municipalities," in addition to the new ideas for municipal charters, there will be an article entitled, "How to Thwart Municipal Ownership," giving an account of the methods resorted to by private corporations in an attempt to frustrate the construction of a municipal water plant in Daly City. It is a story which will undoubtedly be of great interest to the other municipalities of the Pacific Coast.

The June number will also contain

two other articles of special interest at this time, one on "How We Rid San Mateo of Mosquitoes," by Leslie D. Whitney, Superintendent of Mosquito Control of San Mateo, and the other on "How to Rid Your Town of Flies," by Harold F. Gray, Health Officer of Palo Alto and a well-known authority on the fly evil.

ACCEPTED STREETS.

Many city officials do not have a clear understanding of the meaning of the term "accepted streets" as used in the different improvement acts. As a result they have declined on numerous occasions and in various places to permit the use of the term "accepted" where the matter referred to the acceptance of work or the acceptance of a map, and as a consequence serious complications have followed. In one of our large cities in northern California the council has made a practice of insisting that whenever new subdivisions were offered for dedication that all streets and highways included therein be excepted and their dedication not included. Recently it has been found desirable to improve some of these streets and the council has found that their action in refusing to accept their dedication is a serious impediment, as the law provides that you can only improve public streets. The situation is causing considerable worry to the city attorney.

There should be no hesitation in accepting the dedication of streets or in accepting work done on streets, as they do not become "accepted streets" thereby in the sense which that term is used in the improvement acts. In order to accept a street after it has been improved as provided by the improvement acts whereby the city agrees to keep the street in repair, it is necessary for the council to clearly indicate in unmistakable language that the street is accepted under the terms of the act and that the council will thereafter keep the same in

repair. There should be no hesitation, however, in accepting streets when dedicated or in accepting street work. Such action does not mean that the city will thereafter keep up the street unless such intention is clearly expressed in the action of the council.

SCIENTIFIC ASSESSING.

Assessors would do well to give more serious thought to the question of scientific assessing. In many towns no attempt whatever is made to follow any system or plan and in some places the city assessor merely copies the books of the county assessor. Much injustice is bound to result from these practices. If the assessed value does not bear the same proportion to the market value in all cases it means that some citizens will have to bear more than their share of the burden of government. City assessors will do well to read the article

by Max W. Wolff, of Sierra Madre, published in "Pacific Municipalities" of September, 1913.

CITY ATTORNEY WANTS POSITION.

WANTED—A city attorney of five years' experience in one of the most rapidly growing towns in northern California desires position as city attorney for some town within a short distance of San Francisco. He is obliged to make change on account of his health. Can furnish good testimonials. Address "Pacific Municipalities," G.

CITY ENGINEER WANTS POSITION.

WANTED—Position by an experienced municipal engineer. Can furnish testimonials. Address "Pacific Municipalities," K.

The City Planning Exhibition From New York City.

The City Planning Exhibition which was prepared by the American City Bureau of New York and which has recently been shown in Oakland and San Francisco, aroused considerable interest, not only among city officials but also with the public generally. On the occasion of the second meeting of the Bay Cities Branch of the League in Oakland and while the exhibit was being held there, the city officials were favored with an address by Dr. Werner Hagermann of Berlin, Germany. The doctor described the first City Planning Exhibition which was held in England several years ago and complimented the American City Bureau on the magnitude of their exhibition, saying it compared favorably in every respect with the exhibit shown in England.

This exhibition has convinced the officials of the League that it would be a fine idea to have a similar exhibition for the cities of this State, and already plans have been formulated for holding an exhibit of this character during the next convention of the League at the Hotel Del Monte. It has been decided to have the various cities and towns throughout the State send photographs

or drawings to the League headquarters of such public buildings, parks or public works which they believe are sufficiently excellent to serve as models. These photographs will be suitably mounted and exhibited at the Monterey convention. Thereupon it is intended to appoint a competent jury of architects to pass upon the photographs and drawings submitted and award a first, second and third prize to the cities showing the best designs. It is proposed that the exhibits should cover city halls, libraries, parks, bridges, schools and court houses. The final details have not been worked out but the idea is an excellent one and will undoubtedly appeal to all the city officials of the State. A communication will be sent out shortly requesting photographs and drawings. It is to be understood that whatever is submitted is to become the property of the League and form a part of a permanent exhibit to be kept at the League headquarters thereafter for the use of city officials who may desire to inspect the various plans and drawings and use them as models for other work. The exhibit shall be enlarged upon from time to time and displayed at each meeting of the League.

A CITY MANAGER FOR SMALL CITIES AND TOWNS

ORDINANCE NO. 171.

An ordinance of the Board of Trustees of the City of Inglewood, creating the office of City Manager in and for the said city, defining the powers and duties and providing for the compensation of said officer.

The Board of Trustees of the City of Inglewood do ordain as follows:

SECTION 1. The office of City Manager of the City of Inglewood is hereby created and established. The City Manager shall be appointed by the Board of Trustees of said city and shall hold office during the pleasure of said Board. The City Manager shall receive such compensation for his services as the said Board of Trustees shall from time to time determine.

SEC. 2. It shall be the duty of the City Manager and he shall have power:

1. To see that the laws and ordinances of the city are enforced;

2. To exercise control over all the departments of the city and direct the work of all appointive officers;

3. To employ and dismiss all city employees;

4. To superintend the construction of all public work within the said city;

5. To approve or disapprove the requisition for the purchase of any article or articles for the said city, by any department or officer, before the purchase is made;

6. To attend all meetings of the Board of Trustees and to recommend to the said Board for adoption such measures as he may deem necessary or expedient;

7. To keep the Board of Trustees fully advised as to the financial condition and needs of the city, and

8. To perform such other duties as may be prescribed by ordinance or resolution of the Board of Trustees;

Provided, however, that any and all acts of the said City Manager under this ordinance, shall be subject to the approval and control of the Board of Trustees of the City of Inglewood, and they shall have full power to correct and set aside any action taken by him under this ordinance whenever they shall deem it proper to so do; and provided further that the legal department of said city and the city attorney are hereby expressly excepted from the operation of this ordinance.

SEC. 3. All officers and departments of the said city, except as in this ordinance provided, are hereby declared to be subject to the control of the said City Manager, and no officer or department of the said city shall incur any indebtedness upon behalf of said city until a requisition for the same shall have been first presented to the City Manager and shall have received his approval. Any violation of this section shall render the person so violating subject to immediate discharge from the employ of said city.

SEC. 4. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published by one insertion in the Inglewood News, a weekly newspaper printed and published and circulated within the said city, which is hereby designated for that purpose, and thereupon and thereafter it shall take effect and be in full force.

Passed and approved this 2nd day of March, 1914.

NATHAN SMITH,
President pro tem of the Board of
Trustees of the City of Inglewood.

(SEAL)

Attest: JAMES H. KEW,
City Clerk.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES.

Emergencies.—Municipal authorities may meet an existing emergency by having work done without complying with the charter or provisions relating to municipal contracts, requiring advertisements for bids, etc.; but, to sustain their action, it must appear that the emergency was such as to prevent compliance with such provision. *Utah Savings & Trust Co. v. Salt Lake City*, 138 P. 1165.

Elections (Cal.).—Under Penal Code, § 1211, subd. 4, ballots marked with the voting stamp outside of the voting square should not be rejected, where not so marked for purposes of identification. *Gray v. O'Banion*, 138 P. 981.

(Cal. App.)—Where the dividing line of two supervisorial districts ran through an elector's house, the dining room being in the third district and the other principal rooms in the fourth district, the elector was entitled to vote in the fourth district. *Gray v. O'Banion*, 138 P. 977.

Eminent Domain (Wash.).—A mortgagee whose security is impaired by the taking of part of the property for public use is in equity entitled to recoup his loss out of the award. *In re Ninth Avenue North in City of Seattle*, 139 P. 219.

(Idaho)—Const. art. 1, § 14, providing that private property shall not be taken for public use until a just compensation shall be paid therefor, applies in proceedings by a city to condemn property for public purposes. *Thomas v. Boise City*, 138 P. 1110.

Where a corporation is organized as a public service corporation, it may condemn land before it has engaged in public service. *Deseret Water, oil & Irrigation Co. v. State*, 138 P. 981.

Intoxicating Liquors (N. M.).—A license to retail intoxicating liquor is not a property right, nor a contract, but is a mere permit. *Ex parte Everman*, 139 P. 156.

Licenses (Cal.).—The occupation of a chauffeur is one calling for regulation, and therefore permitting a regulatory license tax. *Ex parte Stork*, 139 P. 684.

Officers (Okla.).—In the absence of constitutional prohibition, the power creating a municipal office may abolish the office and its tenure at any time, and create another office of like character with different tenure and salary. *Bridgman v. Roberts*, 139 P. 518.

Railroad Commission, duties (Cal.).—The Railroad Commission is not bound to make and enforce regulations for the conduct of a public utility, such as a water supply company, at the instance of persons having no interest in the service. *Palmer v. Railroad Commission of California*, 138 P. 997.

Statutes (Cal.).—A section of an act providing that, if any part thereof should be declared unconstitutional, the Legislature intended to pass the act without that part, requires the court to support the legislative will as far as possible. *Ex parte Schnler*, 139 P. 685.

(Wash.).—Legislative enactments are not, any more than any other writings, to be defeated on account of mistakes, error, or omissions, provided the intention of the Legislature can be collected from the whole statute. *Whitfield v. Davies*, 138 P. 883.

Street Assessments (Wash.).—Courts should not change the assessment upon property specially benefited after the roll has been confirmed by the city council, except where the commissioners or the council have acted arbitrarily or fraudulently, or have proceeded upon a fundamentally wrong basis. *Viegle v. City of Spokane*, 139 P. 33.

(Cal. App.).—Where a city after having awarded a valid contract for a street improvement, attempted to release the contractor from some of the provisions of the contract, the remedy of a property owner was, under Street Improvement Act, § 11, an appeal to the city council which could set aside the assessment and order the work done according to specifications. *McIntyre v. City of Los Angeles*, 139 P. 240.

(Utah).—In reducing inequalities in streets by changing the grade, more latitude should be allowed to large cities than to smaller cities or country towns; paving being a necessity in the larger cities. *Gray v. Salt Lake City*, 138 P. 1177.

Street Assessments (Cal. App.).—A municipality cannot levy an assessment for a street improvement upon the right of way of a common carrier; *St. 1903, p. 376*, not changing public policy in this respect. *San Pedro, L. A. and S. L. R. R. Co. v. Pillsbury*, 139 P. 669.

Where a railroad company owned the fee to the land along which its right of way extended, though public policy forbade a municipality from interfering with the right of way, it could, however, levy an assessment for benefits upon, and sell, the property subject to the easement.—*Id.*

Street Grades (Wash.).—Damages cannot be recovered for consequential injuries to private property occasioned by the original grading of streets and alleys, since their dedication implies an agreement of the dedicatior and his successors that the city may improve. *Thorpe v. City of Spokane*, 139 P. 221.

Water, damages from (Wash.).—Surface water caused by the falling of rain or the melting of snow is to be regarded as an outlaw or common enemy against which every proprietor of land may defend himself, even if in consequence thereof injury results to others. *Thorpe v. City of Spokane*, 139 P. 221.

A city is not liable in damages for injuries to private property by the collection of surface water thereon caused by the initial grading or improvement of its streets.—*Id.*

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RECENT DECISIONS OF THE PUBLIC UTILITY COMMISSION (RAILROAD COMMISSION) OF CALIFORNIA OF INTEREST TO MUNICIPALITIES

Rates for electricity. Held, after exhaustive review of authorities that a public utility can not contract with its customers in such a way as to preclude the State, acting through the Railroad Commission, from inquiring into the reasonableness of the rates named in the contract, directing the removal of discrimination caused by the contract, or otherwise completely supervising and regulating the utility. This principle applies to a contract between a public utility and a municipality unless the State has expressly given to the municipality the right to contract away the State's right under the police power to regulate and supervise public utilities. The State has not given this right to the town of Ukiah City.

Held, That the Snow Mountain Water and Power Company eliminate the unreasonable difference as to rates and charges found in this case to exist against the town of Ukiah City and in favor of Cloverdale Light and Power Company, Mount Konocti Light and Power Company and Napa Valley Electric Company. Case 483, Feb. 27, 1914.

Rules and regulations of water company. Application of the Hermosa Beach Water Company for the approval of certain rules and regulations proposed to be established by said company granted, subject to the condition that said approval shall not be taken as establishing a precedent, owing to the exceptional conditions surrounding this particular case. App. 919, Feb. 27, 1914.

Passenger depot. Complaint of the Town of Sisson alleges that the present depot maintained by defendant in said town is inadequate and unsuitable to handle the volume of passenger traffic at that point.

Held, Defendant directed to file, for the approval of the Commission, within thirty days, plans for a passenger depot to cost not less than \$6,000.00, and to construct said depot within sixty days after the approval of such plans. Defendant also directed to install, within sixty days, automatic crossing gates on both sides of its main line track crossing at Alma street. Case 507, March 9, 1914.

Valuation of water plant. Held, That the just compensation to be paid by the city of Eureka for the rights and property of the Eureka Water Company is the sum of \$270,000.00, which includes the property, all equipment and materials used or useful in the conduct of its water utility business.

Held, After full discussion of the market value theory in condemnation proceedings, this theory may properly be followed in this case if the utility property is regarded as an entity and not divided into all its separate elements.

Held, That though the question of placing a value upon water rights is not a question in the present case, owing to previous agreement, in the final determination of this question, the Commission will not consider "the additional cost of the next available source theory." App. 843, March 23, 1914.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

Street Poll Tax, repealing. Covina, Cal., 356-e.

City Clerk, fixing salary of. Montague, Cal., 356-d, Lordsburg, 356-f and 357-e.

Census taker, appointing for sixth judicial township. Fresno county, Cal., 357e.

Grass, weeds, rubbish over sidewalk areas, requiring removal of. Berkeley, Cal., 357-d.

Plumbing and sewer connections, regulating. Oceanside, 357-e.

Dry weeds, grass and other inflammable vegetation, providing for the removal of for fire protection. Tracy, Cal., 357-g.

Public speaking on streets, prohibiting. Santa Ana, Cal., 357-h.

Sale of real estate, authorizing. San Diego, Cal., 358-e.

Plays, entertainments and moving picture exhibitions, providing a board of censors. Pasadena, 358-f.

City electrician, fixing duties and powers, and regulating installation and alteration and repairing of electrical construction. Pasadena, 359-a.

Industrial and residential districts, defining, distinguishing and establishing. Pasadena, 359-b, and San Mateo, 385-f.

Smoking of tobacco, prohibiting in public places by persons under eighteen years of age. Pasadena, 359-g.

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STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,

of Pacific Municipalities, published monthly at San Francisco, for April, 1914, required by the Act of August 24, 1912.

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WM. J. LOCKE.

Sworn to and subscribed before me this 15th day of March, 1914.

HENRY B. LISTER,

(Seal)

Notary Public in and for the City and County of San Francisco, State of California.
(My commission expires Feb. 1, 1918.)

∴ What Our Pacific Coast Cities Are Doing ∴

Alameda is talking of establishing an asphalt plant. Bids will be received May 5th for the construction of sidewalk work on portion of Clement Avenue, and on May 19th bids will be received for constructing seawall along the southern line of Bay Island.

Albany (Ore.) city council has under contemplation the construction of a municipal power plant; also the proposition of owning their own paving plant. Albany Commercial Club has under consideration the plan of submitting a proposition to the voters of Linn County to issue \$750,000 bonds for the purpose of building hard-surfaced roads.

Albany (Cal.) has passed resolution providing for a bond issue for the purchase of fire apparatus and the construction of a fire house.

Berkeley has directed city engineer to prepare plans for the widening of Dwight Way.

Buena Park has passed resolution ordering ornamental lamps installed on Grand Avenue.

Burlingame received bids April 14th for improving number of streets and avenues by the construction of curbs, gutters, sidewalks, sewers and asphalt pavement.

Centralia (Wash.) has awarded contract for construction of storage reservoir to Hennings & McMullen of Tacoma at \$21,452.80.

Chico. Supervisors may be asked to contribute \$7,000 towards making State highway 30 feet wide for entire length of Esplanade, the distance being one and three-tenths miles, instead of 18 feet wide. Estimated cost of paving \$30,000. There is some agitation regarding the question of a municipal garbage incinerator.

Colton has adopted specifications providing for the improvement of Seventh Street. Bids were received April 16th for the improvement of a portion of K Street by grading and paving, the construction of cement concrete gutters and cement concrete and corrugated iron culverts.

Compton has voted \$10,000 for a city park. A septic tank is also talked of.

Coquille (Ore.) has passed ordinances for the rebuilding of about 23,300 feet of water pipe line.

Corona has passed resolution of intention for the improvement of Joy Street.

Covina has voted for the construction of a municipal water system.

Eugene (Ore.) will in the near future call for bids on two blocks of asphaltic concrete on 10th Avenue and for five blocks of sheet asphalt on a concrete base on 9th Avenue. The improvements of Amazon Creek along its 62½ course through the city is also contemplated. New water mains have been ordered on Fourth Avenue West. It is expected that the \$100,000 water extension bonds of the city will soon be sold and work will be commenced on the improvement and extension of the water system. Contracts have been awarded to Clark & Henery Construction for the paving of a portion of 4th Avenue, Monroe Street and East 6th Street.

Exeter has voted \$25,000 for a sewer system.

Fresno is planning electroliter street-lighting system in business section of the city. Bids will be received May 12th for furnishing 30,000 barrels of heavy natural oil of asphaltic base. Bids were received April 20th for improving portion of Madison Avenue by grading, oiling and macadamizing.

Fullerton will hold a bond election May 16th for municipal improvements, including \$5000 for fire apparatus and \$50,000 for street improvements.

Healdsburg trustees have adopted resolution ordering cement sidewalks constructed on number of streets. Bids were received on April 17th for a lot of sewer pipe and also a lot of cast iron water pipe.

Hoquiam (Wash.) city engineers have been directed to prepare plans and specifications for the construction of a sewer for the East Side; estimated cost \$30,000.

Huntington Beach has passed resolution for bond election to vote \$6500 for improved fire service. City engineer has been instructed to prepare plans for the construction of a lateral sewer to accommodate the Tent City.

Humptulips (Wash.). State Highway Board has awarded contract for improving 7.8 miles of Olympic highway between Humptulips and Quinalt to N. A. Jones Construction Company of Tacoma, for \$42,985.

Kingsburg has passed resolution of intention for the installation of a 30-cluster electroliter on Draper Street.

Klamath Falls (Ore.) has awarded contract to J. H. Garrett for the improvement of 8th Avenue at \$25,261.23. Improvement includes asphalt, surfacing, curbing, gutters, etc.

Lodi trustees have ordered survey of East Pine Street for installing storm sewer. Sewer extensions have also been ordered for the Barnhart Tract.

Los Angeles will vote on May 8th on proposition to bond city for \$6,500,000 for distributing system from which the city may supply its own electrical energy.

Los Gatos city trustees awarded Frank Buffum contract for paving Fairview Avenue.

Marion County (Ore.) will hold an \$850,000 road bond election May 17th.

Milton (Ore.) citizens have voted \$18,000 bonds for waterworks and extensions; also improving the power plant.

Modesto trustees have received petitions from citizens to acquire a municipal paving plant.

Monrovia city council has passed resolution providing for the ornamental street lighting of portion of Myrtle Avenue.

Oakland received bids April 3rd for one five-passenger automobile for use of health department. Board of Education has passed resolution calling for bond issue of \$1,334,000 for school purposes.

Oak Park is contemplating a system of electroliers for the business streets.

Oregon City (Ore.) city council is considering plan to buy its own rock crusher, auto truck, teams and scrapers.

Olympia (Wash.) has secured \$50,000 from the State for good roads in the County of King. N. A. Jones Construction Company was awarded contract for clearing, grading and draining stretch of Olympia highway south of Lake Quinault in Chehalis County at \$42,985.

Orland will call an election May 5th to vote \$15,000 for extension to the sewer and water system.

Oxnard may purchase a small machine for the treasurer.

Palo Alto trustees are in favor of bond issue of \$72,800 for municipal improvements, including \$25,000 for a public park, and a street paving revolving fund of \$25,000.

Pasadena has ordered four streets paved. City Council will probably order more ornamental street lights installed.

Petaluma is contemplating municipal bond issue which will include street work, electrolier system and the construction of stone sewers. Citizens will also vote on \$100,000 proposition for school purposes.

Portland received bids April 13 for 200,000 pounds of Selby Pig lead. On April 20th bids were received for a lot of wrought iron pipe and fittings. Specifications for hard-surfaced pavements will be presented

to the city council very shortly. Chief Engineer Clarke of the Water Bureau has recommended that the city should provide steps for increased reservoir capacity for water system on West Side.

Redding will receive bids May 4th for building, constructing and improving the public highway as per plans and specifications on file with the city clerk. Trustees have formally adopted plans for the Reid Ferry Bridge; estimated cost about \$50,000, leaving \$10,000 to the bridge fund for building approaches.

Redondo Beach has voted \$150,000 for the construction of a high school.

Richmond will hold an election in May to vote \$2,500,000 for water supply pipe line. Bids will be received May 18th for the construction of a portion of the highway known as Ashland Avenue. Resolution has been passed calling for bids for the improvement of portion of Standard Avenue.

Riverside citizens are in favor of more street improvements.

Roseville has voted \$65,000 for school purposes.

Sacramento has passed resolution of intention for the improvement of a lot of streets. City Commission is in favor of construction of \$113,000 municipal street lighting distributing system. Bids were received April 28th for a steam road roller. Bids were received April 28th for improving intersection of 13th and F, 13th and G, 13th and H streets by grading and constructing an asphaltic macadam pavement. On April 14th bids were received for a lot of pipe and 30 fire hydrants.

San Diego received bids April 6th for furnishing material and labor in the construction of a reinforced concrete bridge to carry Georgia Street over University Avenue. Department of Finance, Ways and Means will receive bids May 4th for furnishing 25 tons of pig lead. Bids will be received on same date for a lot of cast iron water pipe.

San Fernando will receive bids May 4th for lighting and maintaining 86 ornamental light posts.

San Francisco Board of Public Works has awarded to City Street Improvement Company contract for paving with asphalt about two miles of Junipero Serra Boulevard, at \$48,865. Street Committee has decided that portion of Sixth Street should be paved with vitrified brick and that basalt blocks should be laid on portion of Howard Street. New street signs for downtown section have been recommended. There is an agitation for more sidewalk work throughout the Mission district.

San Jose may improve West Santa Clara Street by paving.

San Mateo received bids April 20th for the construction of new bridges across San Mateo Creek. Bids were received on April 13th for the improvement of portions of Bellevue Avenue, Villa Terrace, Grand Boulevard and Prospect Row by paving and the construction of sewers.

Santa Barbara will receive bids May 4th for the construction of an 84-foot span bridge at the north end of the 300-foot span Dyer bridge over the Santa Ynez River near Lompoc.

Santa Maria will hold a bond election May 4th to vote \$24,000 for the building of two school houses.

Santa Monica has passed resolution for a special election to issue \$35,000 bonds for a fire alarm system and engines; also said city may vote on \$1,000,000 proposition for water system.

Seattle has received plans for laying sewers in Forty-second Avenue; estimated cost \$17,200 and on Lakeside Avenue, estimated cost \$24,500.

Sierra Madre has passed resolution for installation of ornamental light poles, globes, lights, street signs, conduits, wiring, switches, switch boxes, fuses and all appurtenances of a complete electric light system. The city has disposed of the \$111,000 bonds for acquiring the Sierra Madre Water Company. The transfer will be made very shortly and the city will then own the water plant.

Stockton received bids April 3rd for constructing a storm water sewer for Yosemite Terrace and outlet along Orange Street produced to Smith Canal.

Sunnyside—Supervisors will probably appropriate \$18,000 for the purchase of motor apparatus.

Tacoma—An appropriation of \$5,000 will probably be made for a "manually operated liquid chlorine gas water purification plant." An ordinance has been adopted providing for the purchase of a motor-propelled combination chemical hose and ladder wagon. Independent Paving Co. has been awarded contract at \$37,500 for the paving of Puyallup Valley road.

Tulare trustees have voted to pave 31 blocks of streets. Board of Fire Underwriters recommend that one more fire alarm box be installed and that 600 feet of fire hose be purchased.

Turlock may hold an election shortly to vote \$15,000 for the purchase of a motor combination wagon and additional hose and the installation of an alarm system.

Vallejo is contemplating the installation of an incinerator.

Venice trustees have passed resolution for the construction of cement sidewalks along certain canals. The people may vote on a

\$200,000 bond issue for high pressure fire protection.

Watsonville will receive bids May 19th for motor fire apparatus. Resolution has been passed for the improvement of a portion of Union Street by grading and macadamizing. Resolution was passed for similar work on a portion of Elm Street, Main Street, Fifth Street and Maple Avenue.

Whatcom County (Wash.), County Commissioners received bids April 21st for improving Fairhaven-Lake Samish Road or Permanent Highway No. 1, by grading, graveling and the construction of concrete culverts and bridges.

Whittier—There is considerable talk of a bond issue for street improvements to the amount of \$125,000.

Willits city clerk has been directed to purchase 50 feet of hose for the chemical engine, a pair of rubber gloves and a fireman's mask; also to advertise for 400 feet of fire hose for the hose carts.

Winters received bids April 7th for the construction of a sewer system.

CALIFORNIA COUNTIES.

Amador County has begun campaign for good roads.

Alameda County received bids April 13th for the improvement of portion of county road known as Crow Canyon road. Supervisors will receive bids May 11th for alteration of the county road known as Moore's Canyon road. Bids were received April 13th for improvement of county road known as Winton Avenue from county road No. 90 or Telegraph Road to the town line of Hayward in Mt. Eden Road District.

Butte County supervisors will receive bids shortly for the construction of a sprinkling system, consisting of furnishing and erecting a tower, tank, pump, motor, pipe and connection and all appliances necessary to equip a sprinkling system on the Oroville and Gridley road. Bids were opened by the State Highway Commission April 27th for constructing 11.2 miles of road in Butte County.

Kings County supervisors will be presented with a petition to call a \$1,000,000 road bond election.

Orange County supervisors received bids April 4th for the improvement of Section 1 Newport Beach and Newport Avenue roads.

Placer County supervisors will receive bids May 5th for a pipe line at the Placer County Hospital at Auburn.

San Bernardino County has been holding mass meeting for good roads.

San Joaquin County received bids April 22nd for improving portion of public road extending in a westerly direction from Thornton.

Santa Barbara County supervisors will receive bids May 4th for repairing and extending concrete steel girder bridge and wing walls over Santa Maria and Ygnacio Creek. Bids will be received May 4th for furnishing labor, material, machinery and appliances, except such machinery, wagons, etc., as are furnished by the county, for grading and paving of Guadalupe Street in the Town of Guadalupe.

Santa Clara County will receive bids May 4th for improving the Alviso and Milpitas road, the Mission road, Calaveras road and Piedmont road in Road District No. 3.

Santa Cruz County received bids April 5th for printing the assessment roll.

Shasta County will receive bids May 7th for printing the delinquent tax list. Property owners from Redding to Anderson and Cottonwood have organized an irrigation association to put through project for 27,000 acres; estimated cost \$275,000.

Solano County has purchased \$120,000 worth of the State Highway bonds and money will be used for constructing State

highway between Cordelia and Benecia. Bids will be received May 4th for constructing concrete abutment for bridge at Round Hill Creek in Road District 5; also for the construction of concrete abutment for bridge at Beguhl Creek on Road No. 414, Road District 5. Bids will be received May 4th for moving and building fences on the route of the State highway from Benicia northward a distance of five miles.

Sonoma County has appropriated \$75,000, Marin County \$25,000, Napa County \$65,000, and the State Highway Commission \$125,000 for the Black Point cut-off. A bond issue will shortly be held in Sonoma County to vote \$1,500,000 for good roads.

Tehama County supervisors have voted to provide for the sale of \$50,000 worth of bonds to provide county highway construction.

Ventura County—State Highway Commission opened bids April 13th for the construction of 5.1 miles of highway from Sea Cliff to westerly boundary of Ventura County.

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QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Instructions to Voters.

Q. In reading the article by Wm. J. Locke in the Feb. number of Pacific Municipalities relating to municipal elections in cities of the sixth class, I note that he states that the Clerk shall mail a sample ballot to each voter together with the voting number of the party to whom it is addressed and the location of the polling place, but that no other matter shall be sent.

Now at the coming election in the City of Kennett there is to be submitted to the voters the question whether the control of certain classes of public utilities shall be retained by the said City of Kennett. Should not instructions about how to vote upon these propositions be included with the sample ballot sent to each voter? Would it be wrong to send instructions to the voters as to how to vote upon these questions with the sample ballots? Need no other instructions be sent the voter upon the propositions other than what is contained upon the sample ballots?

ANS. In reply to your inquiry of March 16, regarding the sending out of other instructions on the sample ballot, would say that there would be nothing objectionable in sending out instructions regarding the manner of voting on the question of submitting the control of public utilities. The matter which the law designs to prohibit is such as might be partisan or not relating to the election. You may make the instructions to voters as complete as you desire.

Wooden Awnings—Removal Of.

Q. Our city has determined to pass an ordinance providing for the removal of wooden awnings or porches over the sidewalk, and I am instructed to prepare such an ordinance. I believe it is a difficult matter to handle, and I do not know just how to go about it, and I would like to know if this matter has ever come before the League and if you have any form of such an ordinance on file in your office.

ANS. In reply to your letter of March 5, will say that we do not happen to have on file any ordinances directing the removal of wooden awnings, but I am enclosing a few extractions from ordinances of Palo Alto and Pasadena relating to the construction of awnings and their height above the sidewalk.

Several years ago I framed an ordinance for San Leandro which provided that it would be unlawful to construct or maintain any wooden awnings extending over the sidewalk, and provided that it should go into effect sixty days after its passage. This gave a reasonable time for the property owners to make the change, and we did not meet with the opposition first anticipated. Several weeks before the ordinance went into effect the property owners began to get busy, and before the time arrived there was not one wooden awning left in the town. From this experience, I do not imagine you would have much difficulty down in Gilroy. You might send for a copy of this ordinance, but I hardly think it necessary. The substance of it contained nothing more than I stated above, other than a penal clause for its violation.

Lien on Property for Removing Weeds.

Q. I return ordinance which you kindly sent me; but what I wanted was the form of one imposing a lien in case the city performed the cleaning up, upon the owner failing to do so on notice.

So please send me Berkeley Ordinance on Weeds and Rubbish of April 22, 1913, which however, I believe, does not apply to inside of lot. Would prefer form of an ordinance applying in this respect to inside the lot, if you have one.

ANS. Your letter of March 25, enclosing weed ordinance, duly received. The other weed ordinance of Berkeley which you request was recently loaned to Connelman Kief of Stockton and has

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not been returned. Would advise, however, that the leading authorities do not believe it is possible to frame an ordinance for a sixth class city which will impose a lien on the property to cover cost of cleaning it. You have undoubtedly noticed the weed law passed by the last legislature. Most of the attorneys do not think it amounts to very much for the reason that it gives no additional power to what the cities already have. It would need a special act of the legislature in order to authorize a lien to be imposed on the property. We realize that it is a difficult matter to reach absentee property owners with a penal ordinance, but apparently there is no other way in which it can be done at present.

Recall Election—Conflicting Laws.

Q. A petition for the recall of an officer of this city (El Paso de Robles) has been filed with the Clerk, by him duly certified to as sufficient and submitted to the Board of Trustees, the date of the filing with the Clerk being March 5th.

On March 9th the Board of Trustees at a regular (adjourned) meeting, passed a resolution ordering the matter submitted at the coming municipal election of April 13th.

You will note that this resolution is made not later than 35 days before the date of the election, and is authorized by Sec. 1, Chapt. 32, Extra Session of 1911 (page 128.)

Now this section also provides that nominations of candidates to succeed the officer against whom the recall is directed, may be made as provided in Sec. 1188 of the Pol. Code (Statutes 1913, pg. 1386).

You will also note that the date of the filing of the petition and the making of the order submitting the matter at the April election are such that signatures to a petition of nomination cannot be obtained 40 days prior to election (Statutes 1913, page 1168) nor submitted to the County Clerk for examination not later than 40 days before election. (Statutes 1913, pg. 1388).

This same condition might arise were a recall petition filed at any other time, since the law permits the Board of Trustees to call a special election not later than 35 days

after the date of the order calling the election.

I am rather inclined to hold that the name of a candidate to succeed the officer against whom the recall is directed should be printed on the ticket, if a nomination petition, sufficient in other respects, is filed with the City Clerk not less than 20 days before the election, regardless of the fact that the signatures thereto and the submission thereof to the County Clerk, may have been within 40 days of the election. (Pol. Code 1192, Statutes 1913, pg. 1169).

On the other hand it is doubtful if the Clerk can be required to examine and certify to a petition filed with him later than 40 days before election, and Section 1188, Pol. Code as amended is a later enactment than Chap. 32 Supra.

Under above conditions the question also arises as to whether if no nominations are made, a blank space shall be left on the ballot in which an elector may write the name of a candidate to succeed the one to be recalled.

If not asking too much of your legal department I would be pleased to have your opinion on these questions, and enclose an envelope for your reply, which I would like to have before time to print sample ballots.

Thanking you in advance for any attention you may see fit to give this, I am,

ANS. Your inquiry of March 12 duly received. In reply thereto, would say that in our opinion you should follow the provisions of Section 1188 of the Political Code, as that section stood at the time the recall measure was passed. There was a case cited in the Digest closely in point where the Court held that a statute should be construed as before revision (estate of Li Po Tai, 108 Cal. 484). Again, the Supreme Court has held that where there are two laws in conflict they should be so construed as to give effect to both.

In view of the decisions, we concur with you that the name of a candidate to succeed the officer sought to be recalled should be printed on the ticket, if a nomination petition, sufficient in other respects, is filed with the city clerk not less than 20 days before the election, regardless of the fact that the signatures thereto and a submission thereof to the county clerk was not made in accordance with the provisions of section 1188 of the

Political Code as amended. It seems to us that any other construction would be unreasonable and not in accord with the decisions of the Supreme Court relating to the construction of statutes.

Vote on Compensation of Officer.

Q. The President of our Board of Trustees wishes me to express his appreciation of the letter of March 5th received from Mr. Locke, and to request the following additional information:

Is it necessary for all candidates for municipal office to pay a filing fee of \$10 on their papers?

Also, could the Trustees, without any initiative or referendum petition but merely by resolution or vote in council, put on the ballot such a proposition as this: Do you favor paying the City Marshal a salary of \$75 per month?

Thanking you in advance for any information you can give on these points, I am,

ANS. In reply to your inquiries of March 8, will say that it is necessary for all candidates for salaried offices in a municipality to pay a filing fee of \$10.00, but no fee is required of those candidates for offices for which no salary is paid.

The trustees could not, except under the initiative or referendum, put the proposition on the ballot regarding the salary of marshal, as section 880 says: "He shall receive such compensation as shall be fixed by ordinance." Therefore, the Board of Trustees, or the people under the initiative, must fix his salary by ordinance. It would not be lawful for the trustees to put such a proposition on the ballot.

Compensation for Garbage Collection.

Q. I have been requested to draft an ordinance pertaining to cleaning the streets, appoint an official scavenger and fix his duties, compensation to be paid by the property owners. I would be pleased to have you send me copies of ordinances of other towns of this size dealing with this question.

ANS. In response to your request of March 4, I am sending you enclosed a printed copy of an ordinance of Monterey covering the subject of garbage disposal, and also a shorter ordinance of the City of San Mateo. We have nothing covering the exact point you de-

Robert W. Hunt

John J. Cone

Jas. C. Hallsted

D. W. McNaugher

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sired, as there is no lawful method of enforcing the collection of fees from property owners. You will notice that the Monterey ordinance authorizes the collection of fees. We presume that failure to pay fees may be met by a refusal to take garbage, and this would be followed by proceedings against the delinquent for violation of the health ordinance. The matter could be handled in this manner.

Defective Bridge—Liability of City.

Q. Will you please give me your opinion on the following statement?

Mr. B, an employee of Mr. H, was driving a team which was owned by Mr. H. While passing over a bridge in this town, the bridge broke and some damage was sustained. The bridge was in poor condition but the defect was hidden and could only have been noticed upon a very close examination. Mr. B was running the horses, and the notice on the bridge provides that no one shall drive over it faster than a walk. Mr. H claims that he can hold the town liable. I promptly advised against paying but I would like your opinion to present to the Board.

I would also like your opinion as to the

liability of the town in case Mr. B had been walking the horses across the bridge.

ANS. Your letter of March 18, regarding the liability of a town for damages sustained by the breaking of a bridge, duly received.

In reply thereto, will say that in no case would the town or any of its officials be liable, whether Mr. B was running his horses or going no faster than a walk. The liability of a municipality in matters of that kind depends upon notice having been previously received, but, even in this State, the Supreme Court has held that there is no liability. In most of the States of the Union, however, if notice has been given of the dangerous condition of a bridge, and if the matter is not attended to within a reasonable time, then the city is liable. In this case, however, Mr. B or his employer, Mr. H, cannot hold the town liable in any event. Besides, the fact that he was violating the rule in running his horses instead of walking them, would deprive him of his rights even though he might otherwise recover damages.

Official Interested in Contract.

Q. How many days before municipal election are allowed in filing nomination papers? Is a candidate eligible to office of City Trustee, when holding stock in a company which the city is doing business with, and can he, after filing his nomination paper, legally transfer his stock to one of the family and hold office if elected? Would like to hear from you by return mail.

ANS. We reply to your inquiries of March 26 as follows:

Nomination papers should be sent to the county clerk forty days before the day of election, to-wit: March 4. They should be returned by him with his certificate of sufficiency, and filed with the city clerk at least twenty days before the day of election.

The question of your eligibility could not be raised against you if you did not own stock in the company in question at the time you took the oath of office. The fact that a member of your family held stock in a corporation doing business with the city would hardly disqualify you from holding the office of trustee. Would advise, however, that in case you are elected and it should become necessary to transact business with such corporation that you refrain from voting on the matter. Section 886 of the Municipal Corporation Bill governing cities of the sixth class says that no official shall be interested in any contract with the city or town directly or indirectly, and how far this section may be extended against an official has never been judicially determined.

Q. Will you kindly tell me whether or not it would be legal to count a vote on the question of recall of a candidate to vote "no" on question and to vote for a recall candidate? Should a vote marked this way be counted as against the recall but not for the candidate? I will thank you for your opinion.

ANS. The name of the person against whom the petition was filed should not have appeared on the ballot. The amendment to the law relating to the recall, which amendment was approved January 22, 1912, will be found in Chapter 32 of the Statutes of the Extra Sessions of 1911. The

exact language used in this Statute is as follows:

"The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office."

Under the circumstances, would suggest that the votes received by the candidate shall not be counted at all. The question as to whether he is recalled or not should be determined by the vote on that question. In my opinion, the fact that the name of the candidate sought to be recalled was printed on the ballot should be ignored; likewise all votes he may have received.

Q. The City of Nevada is operating under its special charter; see Stats. 1877-8 page 221.

Under this charter the Board of Trustees have power:

"Fourteenth. To provide for conducting elections, establishing election precincts, appointing judges, inspectors and clerks thereof."

Under this provision, can the Board simplify the nomination of independent candidates for city offices by prescribing a fair, reasonable but shorter method of nomination than that required by the State law? And by such a change in this matter and some others, including the number of election officers, cut down the cost of our annual city elections? By consolidating the election precincts and making some other minor changes, we have already cut the former cost of about \$800 in half. But it seems to me that an additional saving can be made.

ANS. In our judgment the Board of Trustees of your city have the power of prescribing a simplified method of conducting municipal elections. We base our opinion on the decision of the Supreme Court in the case of the People v. Williamson, 135 Cal. 415, 67 Pac. 504, wherein the Court held that "municipal charters supersede the General Laws upon municipal affairs," and a later decision in the case of Ex parte Heim, 143 Cal. 553, 777 Pac. 453, wherein the Court said, "municipal corporations organized under special charters are not subject to general laws on municipal affairs."

In the case of the People v. Worswick, 142 Cal. 71, 75 Pac. 663, the Supreme Court held that "the matter

of the registration of voters for a municipal election is a municipal affair," and in the case of *Fragley v. Phelan*, 126 Cal. 383, 58 Pac. 923, the court said again that "a municipal affair is one which refers to the internal business affairs of a municipality."

Although the Supreme Court has never come out positively and declared that a municipal election is a municipal affair, nevertheless, as it applies to the internal business of the municipality and as they have decided that the registration of voters for a municipal election is a municipal affair, we are inclined to think that there is very little doubt but that the court would hold that a municipal election is a municipal affair, and that therefore the charter of the municipality governs instead of the general laws.

Q. On March 11, 1914, a petition was filed in this office in matter of election of Freeholders Charter.

Said petition was signed by electors who were on the old register and not having registered in 1914.

As election will be held subsequent to the completion of the new 1914 great register and after old register is superseded at which election the petitioners cannot vote, question is petition in form, account signed in the most part, by people who are not qualified to participate in said election.

District and city attorneys hold adverse opinions.

ANS. A petition praying for the election of a board of freeholders for a city to prepare and propose a charter or to submit any proposed amendment to an existing charter, in accordance with the provisions of Section 8 of Article XI of the Constitution of California, must be signed by qualified electors of said city.

A qualified elector is a person who, otherwise eligible to vote has been registered in accordance with the provisions of section 1094 of the Political Code. Said section holds that for any election which is to take place prior to the first day of April, 1914, the old register may be used, but for any elections after the first day of April, the new register must be used. Therefore, if the election proposed to be held in

response to the call of the petition filed March 11, 1914, has been set for any time prior to April 1st (tomorrow), the old register will suffice. Assuming, however, that the election would be held after April 1st, then it will necessitate one registering since January 1, 1914, in order to be a qualified elector and eligible to sign such petition. If the date of signing is set opposite each signature you may take that into consideration, checking those who signed prior to December 31, 1913, by the old register and those who signed since January 1, 1914, by the new register, in view of the fact that you could not tell when the election would be held.

Q. In voting at municipal election, can name of candidate not printed on ballot be pasted on ballot or must it be written? Should ballot be rejected by Election Board if pasted is used. Answer my expense.

ANS. Election board should reject all ballots upon which a pasted is used.

Q. On March 31st the Board of Trustees adopted a resolution of intention the preamble of which is as follows: "Resolved, that the Board of Trustees of the..... of..... do order the following work to be done and improvements to be made in said city, to-wit:" Then follows the proposed work and the clerk in certifying uses the words, "I hereby certify that the foregoing resolution of intention was duly and regularly introduced and adopted, etc."

In passing this resolution in some manner the words "That it is the intention" were inadvertently omitted from this resolution. The published notice contains the heading, "Resolution of Intention No. 5," and the notices as posted by the Street Superintendent refer to the resolution of intention No. 5 to order the following work, describing it.

What I would like to know is, does the fact that the words that were omitted, in your opinion, invalidate the resolution of intention. In other words, would it not be just as legal for the Board to make a resolution reciting the fact that they do order the following work to be done and improvements to be made, as if they had inserted the words that it was their intention to order the work done.

ANS. In my opinion the omission of the words "that it is the intention" would invalidate the resolution, because of the fact that section 10 of the Improvement Act requires the council to pass a resolution ordering the work

after certain preliminary proceedings have been taken, and it might be maintained that property owners could not determine whether the proceeding in question was a resolution of intention as provided in section 3 of the Act, or a resolution ordering the work as provided in section 10 of the Act. It is very important that all the proceedings up to and including the action of the council after the notices of improvement have been posted and the time allowed for protest, be strictly followed. Any defects occurring after that time may be cured.

Q. The Trustees request me to write for some informal information regarding electrical rates. The situation is this: Our city has been under contract with the power company to supply power to our water works system at 1c per k. w. with a \$50.00 minimum per month.

One 50 h. p. and one 100 h. p. pump is installed (the larger an emergency pump for fire purposes). The contract has expired and the power company has served notice that they will raise the rates to \$1.00 per horsepower for the combined installation of the pumps, plus 75c per k. w. for the power consumed per month (which they claim is in accordance with the ruling of the Railroad Commission for points outside incorporated territory). Such rate will double our charge for power.

Can you make any suggestion relative to the reasonableness of these rates, or any suggestion as to what position our Board ought to take in the matter?

Street Lighting: Without formal contract, they have lighted our city for years by use of the small 32 c. p. lights, at 50c per light per month. They now request a raise to \$1.00 per light per month, claiming that the latter is a reasonable rate and in force throughout the Sacramento Valley.

In view of the long establishment of the rate, the Board deem the new rate unreasonable.

Can you give us any information on these subjects to our advantage, or make any suggestions for a mode of procedure? For your information, I will state that a similar communication has been addressed to the Railroad Commission (although they have no jurisdiction to fix rates in our city), it being a mere request for suggestions and information if they care to give any.

Any suggestions that you may make will be appreciated.

ANS. We are not able to give you very much valuable information relative to lighting rates. You will probably realize that what would be fair for one town might be confiscation in some other town. The board of trustees has the authority to regulate rates, but, of course, they would have to first make an investigation and this would be somewhat expensive. The courts have held time and time again that rates cannot be established in an arbitrary manner; they must be based on an investigation. It might be well for you to demand of the company that they cite a case or cases wherein the Railroad Commission ruled that they might charge higher rates than before.

The only way to determine whether the rates are reasonable or not is to have an engineer investigate and fix the valuation of the company's plant. If the company is supplying other places besides Corning, it will be a very difficult job. The most reasonable thing to do would be to get busy and hold a special election at once on the question of turning the powers of control over to the Railroad Commission. Then this expense of investigation, instead of being done by the City of Corning, would be done by the State Commission at the expense of the State. Moreover, there is a greater assurance that justice will be done to both sides. It is perhaps unfortunate that you did not vote the powers of control over to the commission at the election held last Monday. Many other small towns of the State took advantage of that occasion to vote over their powers of control to the commission. It is the only practical way in which you can solve your rate question. The company fixes the rate and says it is reasonable. You have absolutely no way of knowing whether it is reasonable or not without expending a great deal more money in such an investigation than the City of Corning could stand. In my opinion the most sensible thing to do would be to vote over the powers of control to the commission just as soon as you can possibly do it.

LIST OF RESPONSIBLE FIRMS TO BE CALLED ON TO BID FOR PUBLIC WORK OR SUPPLIES

Write for Catalogs. Mention Pacific Municipalities When Writing

This list is arranged as a guide for the accommodation of city officials where advertising for bids is not necessary.

Accountant

William Dolge, C.P.A., 311 California St., S. F.

Asphalt Machinery

A. L. Young Machinery Co., 26-28 Fremont St., S. F.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.
Steiger Terra Cotta & Pottery W'ks, 729 Mills Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Brick—Paving

California Brick Co., Phelan Bldg., S. F.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.

Buick Cars

Howard Auto Co., S. F.

Concrete Mixers

A. F. George Co., Los Angeles.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.
American Engineering Corporation, 57 Post St., S. F.
S. J. Van Ornum, 960 Pacific Bldg., S. F.

Conduits

Pierson, Roeding & Co., S. F., L. A., Portland, Seattle.

Curbing—Curb Armor

Pacific Building Materials Co., 523 Market St., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.
Standard Corrugated Pipe Co., S.F. & L.A.
U. S. Pipe Co., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Dump Carts and Wagons

A. L. Young Machinery Co., 26-28 Fremont St., S. F.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Electrical Plants & Machinery

A. L. Young Machinery Co., Fremont St., S. F.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.

Fire Extinguishers

Pacific Fire Extinguisher Co., 507 Montgomery St., S. F.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.
Eureka Fire Hose Mfg. Co., 54-58 Fremont St., S. F.
Bowers Rubber Works, San Francisco.
American Rubber Mfg. Co., 408-410 Mission St., S. F.

Fire Hydrants

M. Greenberg's Sons, 225-227 Beale St., S. F.
J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Flush Tanks

Gladding, McBean & Co., Crocker Bldg., S. F.
Pacific Flush Tank Company, Chicago, New York.

Imhoff Tanks

Pacific Flush Tank Company, Chicago, New York.

Inspections and Tests

Robt. W. Hunt & Co., 418 Montgy. St., S. F.
Smith, Emery & Co., 651 Howard St., S. F.

Municipal Accountant

William Dolge, C. P. A., 311 California St., S. F.

Municipal Engineers

American Engineering Corporation, Mechanics Institute Bldg., S. F.
Sloan & Robson, Nevada Bank Bldg., S. F.
Smith, Emery & Co., 651 Howard St., S. F.

Municipal Motor Cars

Howard Auto Co., S. F.

Municipal Printers

A. Carlisle & Co., 251-253 Bush St., S. F.

Municipal Water Works

Smith, Emery & Co., 651 Howard St., S. F.

Pavement Materials

Warren Brothers Co., Los Angeles, Cal.

Pipe

U. S. Iron Pipe & Foundry Co., 701 Monadnock Bldg., S. F.
J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Playground Apparatus

A. L. Young Machinery Co., S. F.

Pumps

Byron Jackson Iron Works, San Francisco and Los Angeles.

Road Machinery

Good Roads Mach'y Co., San Francisco.
A. L. Young M'chy Co., Fremont St., S. F.
Barber Asphalt Paving Co., S. F. & L. A.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Road Oil

Standard Oil Co., S. F.

Rock Crushers

Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Roofing Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Rubber Goods

Bowers Rubber Works, San Francisco.
American Rubber Mfg. Co., 408-410 Mission St., S. F.

Scrapers

A. L. Young M'chy Co., Fremont St., S. F.
Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Septic Tanks

Pacific Flush Tank Co., Chicago.

Sewer Fittings

Pacific Flush Tank Co., Chicago.

Sewer Pipe and Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.
Steiger Terra Cotta Co., Mills Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

Sewer Systems

Sloan & Robson, Nevada Bank Bldg., S. F.

Steel Protected Concrete

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Street Sweepers

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Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Water Meters

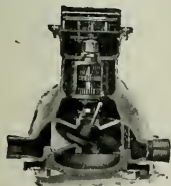
Neptune Meter Co., S. F. & L. A.
J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.
National Meter Co., 681 Market St., S. F.

Wire and Wire Rope

Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

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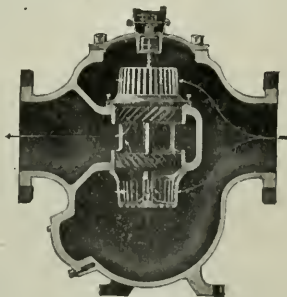
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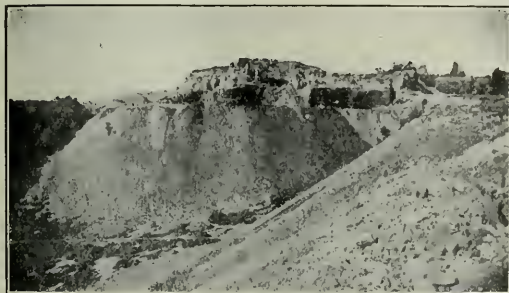
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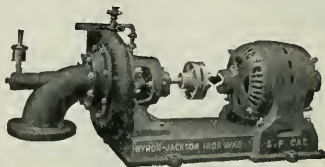
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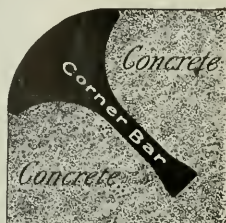
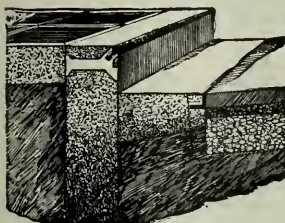
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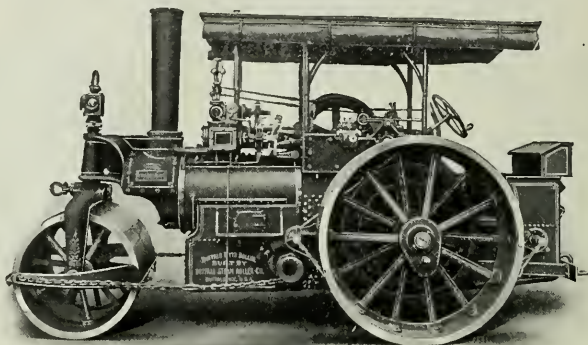
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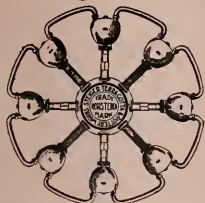
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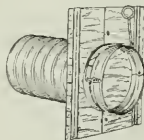
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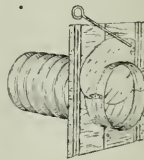
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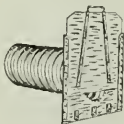
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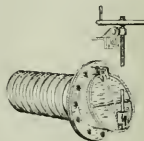
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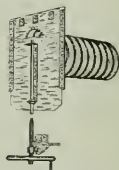
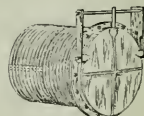
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ASSOCIATE EDITOR - - - - CHAS. G. HAINES, PH. D.

S. J. VAN ORNUM CONSULTING MUNICIPAL ENGINEER NINTH FLOOR, PACIFIC BUILDING SAN FRANCISCO, CALIFORNIA	{ CONTRIBUTING EDITORS }	CHARLES GILMAN HYDE PROFESSOR OF SANITARY ENGINEERING UNIVERSITY OF CALIFORNIA, BERKELEY, CAL.

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JUNE, 1914

NOTICE—Each city belonging to the League of California Municipalities is entitled to a copy of this magazine for each of its officials without extra charge, and every Board of Supervisors of the Counties of California is entitled to one copy. If not received kindly notify the Secretary.

HOW TO RID YOUR TOWN OF FLIES

By HAROLD F. GRAY, Health Officer of Palo Alto, Cal.

EDITOR'S NOTE.—Mr. Gray is regarded by members of the State Board of Health as one of the best authorities in California on fighting the fly and mosquito pests. Several years ago he took a special course in the University of California for the purpose of devoting his attention to this work, and his valuable services have been employed on a number of occasions by different municipalities in this State.

In the first place, it can't be done by merely passing ordinances. Neither will fly-swatting alone, no matter how enthusiastic, accomplish the desired result. The one and only essential, the very fundamental principle, is the prompt, thorough, and careful removal of *all* garbage, manure, and decomposable waste matter.

The big whoo-and-hurrah campaign against flies, with a general clean-up, fly trapping and fly swatting, does very well as a starter, and is useful in getting the interest of the citizens in the work. Such

a campaign has been previously described in this journal (June 29, 1912). But the practical every-day work of a municipality must proceed along steady and practical lines, with uniform methods as far as possible. It is the purpose of this paper to discuss the essentials of systematic, permanent work against the house fly which can be adopted as routine by any city.

Fly reduction depends simply on thorough scavenging and the maintenance of clean conditions. If there is no material for the fly to breed in there

will be no flies. It is the duty of municipal governments to see that the city is kept clean, and that waste matters are properly removed. These are simple fundamental propositions, which will be agreed to by all.

The principal breeding materials of flies are, in the order of their importance, horse manure, garbage, and decaying vegetable trash. Control measures should therefore be directed against the accumulation of these materials. Under normal conditions, about 90 per cent or more of all flies are bred in horse manures. It may therefore be seen that even with an excellent garbage removal system the problem is far from solved.

Building regulations should contain the requirements that stables be constructed with tight, sound floors, either of concrete or plank thoroughly caulked in the joints and heavily coated with asphaltum. The floor should drain to a gutter back of the stalls, the gutter connecting to the sewer via a sump. The walls, mangers and stall partitions should be tight and smooth, so as not to permit places where manure can lodge. Proper ventilation should be required to prevent the nuisance of odors.

Manure may be removed from the stable either daily, or, if less often than daily, may be placed in fly-tight bins between removals and removed not less often than twice a week. Stalls must be thoroughly cleaned daily. If a bin is used, it should be preferably constructed on a smooth concrete base, the walls and cover being of tongue-and-groove lumber thoroughly coated on the interior with asphaltum. The top should be hinged to permit the introduction of manure, and either the side or front hinged and removable to permit the manure being easily removed. The box may be placed either in the darkest part of the stable, or built as a lean-to outside the stable but connecting therewith by a sliding screened opening through which the manure may be introduced into the box directly from the stable. In the latter case, the box must be so located as to be accessible to the wagon in which the manure is to be removed.

All manure should be removed to some

point well outside the city limits, where it should preferably be spread out upon the ground and ploughed in promptly. It is practically impossible to rot manure in a pile without breeding millions of flies. After manure is well rotted it will not breed flies. The most satisfactory method of rotting manure is to place it in a deep narrow pit, and cover the surface with lime. This will largely prevent fly breeding.

All garbage on premises must be placed in sound galvanized metal containers provided with tight-fitting metal covers. The cover should fit the outside, not the inside of the can, and must be kept on at all times, except when introducing or removing garbage. Proper garbage cans are absolutely essential in suppressing the fly evil, whether in large cities or small towns, and should be required by ordinance. Before placing the garbage in the can, the garbage should preferably be drained of all excess water, and wrapped in paper. The cans should be cleaned at the time of each removal, and disinfected with boiling water. It is perfectly possible to keep a garbage can clean and non-odorous, and so not a nuisance.

Garbage should be removed from residences twice weekly, and from hotels and restaurants daily. It should be removed in special wagons with a low covered water-tight body adapted to dumping. The common high-bodied wagon should not be used, as it is inefficient, too much time being required to elevate the cans to the top of the wagon. For efficient work and rapid progress, two men should be assigned to each wagon, one to each side of the street.

Removal of garbage, waste matter and manure by the municipality is undoubtedly the most satisfactory. Free municipal collection, paid for out of the general tax levy, is the ideal method. Next comes collection by the city, but with certain fixed charges for the service, paid monthly by the occupant of the property. Another method of collection which has worked fairly well where carefully supervised is by letting a contract for removal, the occupant of the property usually paying the contractor

a fixed charge, though occasionally the city pays a fixed sum annually, giving free collection to the citizens. The most common method is by licensed collectors, who deal directly with the citizens. This is very generally far from a satisfactory method. No municipal supervision and control of collection is, of course, highly unsatisfactory and indefensible.

The final solution is for the city to make its own collections, supplying the equipment and hiring the necessary employees. Whether the cost of collection is paid by taxes, or by fixed charges for the service, is an incidental matter which will be largely governed by local conditions. In either case, the collectors should be reasonably intelligent, and can be usefully employed to note and report any unsanitary conditions and violations of ordinances, and so greatly assist in the abatement of fly-breeding places. The Board of Public Works or its equivalent should have charge of the work of collection and disposal, and it should also have charge of the enforcement of the ordinances relating to garbage and manure removal, rather than have a division of responsibility and authority between such department and the health department. The health department would, of course, be greatly interested in the abatement of such nuisances, and should co-operate and assist.

In case it is impossible at the present time for the city to engage in the work of collection and disposal of garbage, manure and refuse, then a permit should be granted to one and one only collector, who should be required to perform the work expeditiously and effectively, in such a manner as to produce the least possible nuisance, and to obey all rules and regulations. With one collector the work can be easily supervised and checked up and fair results obtained. In case the city does not own an incinerator or reduction plant, the garbage and refuse can be hauled to a plot of ground well outside the city limits, where it should be spread to dry, and, when dried, piled and burned; if necessary, a small amount of crude oil may be added to aid combustion. Feeding to hogs as generally practiced is

highly unsatisfactory, and burying or dumping without burning is decidedly unsanitary.

Whatever improvements are decided on, as soon as they are in effect vigorous steps should be taken not only to ensure the enforcement of the ordinances relating to garbage and manure, but all general regulations relating to cleanliness of premises. Offenders of both the negligent and obstinate type should be promptly haled into court and prosecuted, taking care, of course, to obtain proper evidence to secure conviction. The facts of such prosecutions and convictions should be published; after a few convictions the violations will be few and far between.

After the improved conditions have been in effect a few weeks it will be noticed that the flies are greatly reduced. It is not claimed that these measures will get rid of all the flies, but they will certainly greatly reduce their numbers. As has been said before, "The way to swat the fly is to swat the filth he breeds in; the way to swat the filth he breeds in is to swat the filth maker: *swat him now.*"

TO RECAPITULATE:

1. Fly control is dependent primarily upon proper and thorough scavenging.
2. Prompt removal of manure from stables, with a good garbage collection and disposal service (the two are advantageously combined) is essential to the prevention of fly breeding.
3. Municipal collection of garbage and manure is the only really satisfactory method; where this is not possible, collection and disposal by a single licensed collector under strict regulation will come the nearest to giving satisfactory service.
4. Whatever improvements are made, they must be enforced by vigorous and continual prosecution of all offenders.
5. The person who believes that proper scavenging is not possible, or that flies cannot be controlled by it, must adopt the lazy man's motto, "Cleanliness is next to impossible."

RICHMOND'S NEW FLY TRAP ORDINANCE

Richmond, Cal., May 13, 1914.

Pacific Municipalities,

Pacific Building, San Francisco, Cal.

Gentlemen:

Enclosed find copy of Fly Trap Ordinance recently passed by this city. We believe it is of a unique character, and the first that has ever been passed, affecting that line of sanitation. Would like to have your opinion of same.

Yours truly,

CHAS. R. BLAKE, M. D.,
Health Commissioner.

May 14, 1914.

Mr. Chas. R. Blake, M. D.,

Commissioner of Health,

Richmond, Cal.

Dear Doctor:

Your letter of May 13, enclosing copy of Ordinance No. 37 requiring the maintenance of fly traps, duly received.

This is the first time we have run across an ordinance like the one you have just adopted. It embodies a good idea undoubtedly, but you will perhaps be ready to admit, however, that the right thing is to devise schemes for preventing the fly from ever coming into existence. We are going to take the liberty of publishing your ordinance in full in the next issue of Pacific Municipalities.

Yours very truly,

PACIFIC MUNICIPALITIES.

WM. J. LOCKE, Managing Editor.

ORDINANCE NO. 347.

AN ORDINANCE OF THE CITY OF RICHMOND PROVIDING FOR THE MAINTAINING OF FLY TRAPS IN CERTAIN PLACES OF BUSINESS IN THE CITY OF RICHMOND.

The Council of the City of Richmond do ordain as follows:

SECTION 1. Every owner, manager or other person in charge or control of any store, market, restaurant, bakery, delicatessen, ice-cream parlor, or other place where food or foodstuffs for human consumption are sold, served or dispensed, and every owner, manager or other person in charge or control of any public stable shall continuously keep and maintain in such place of business one or more fly traps properly baited and in condition for the catching of flies therein. Each of such fly traps shall be of such size that the space therein shall not

be less than 500 cubic inches. It shall be the duty of the Commissioner of Health of the City of Richmond and his assistants to inspect such fly traps from time to time, and to see that the same are kept and maintained in operation in accordance with the requirements of this ordinance.

SEC. 2. It shall be unlawful for any person to interfere with the Commissioner of Health or his assistants in the inspection of fly traps, as provided by Section 1 of this ordinance.

SEC. 3. Any person violating this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100, or by imprisonment in the city or county jail not exceeding thirty days, or by both such fine and imprisonment.

SEC. 4. This ordinance shall take effect and be in force ten (10) days from and after its final passage.

THE RECENT MOSQUITO CONTROL WORK IN SAN MATEO COUNTY

By LESLIE D. WHITNEY, Superintendent Mosquito Control

EDITOR'S NOTE.—Two years ago the people in San Mateo and adjacent towns were being greatly annoyed by mosquitoes. The mosquito population had been growing larger each year until at last they became unendurable. Families commenced to move away, business declined, and real estate became almost unsalable. The trustees of Hillsborough, Burlingame and San Mateo held many joint meetings together to discuss ways and means for getting rid of the pest. Finally they placed the work of eradication in the hands of Mr. Whitney, the writer of this article, who achieved such remarkable success that we urged him to tell the city officials of the coast how it was done.

No recent scientific discovery has been of greater importance or more beneficial to mankind than that which revealed the mosquito as a carrier of disease, and particularly those scourges of the race—yellow fever and malaria.

This discovery made scientists set about to control the mosquito, and, having done so successfully, they have been able to eradicate and prevent these diseases, without which the Panama Canal would have been impossible, or possible only with such great loss of life as to be prohibitive. It is scarcely necessary to add that in the same way hundreds of what were formerly fever and malaria stricken communities have been reclaimed, so to speak, and life perfected and made tolerable for thousands of people within the tropical and semi-tropical world.

The control of the mosquito, a matter of such tremendous importance, once discovered, the method proved to be so simple that any municipality or organization may now apply it if the funds be provided. There are three things which are necessary to a successful campaign—money, co-operation and ordinary intelligence.

The process of mosquito control consists of attacking them in the larvæ stage. This must be done by destroying their breeding places, which are in standing water of any description. The only permanent way to do this is by draining and filling. Oiling is to be done as a temporary means only. In marsh areas, like the bay front of San Francisco bay, those breeding places are exceedingly numerous, and oiling alone

is impracticable. The drainage is acin order to prevent the tides from flow-complished by building dikes, ditching the low areas, and providing flood gates ing in. Those places which may be left after the drainage may be oiled.

Mosquito control was first demonstrated in San Mateo county by Professor H. J. Quayle, of the University of California, who in 1905 brought the first relief to the inhabitants by exterminating the pests in the above manner. The beneficial effect of his work lasted for several years, it being followed up by a local committee, but, owing to the lack of funds, they were unable to maintain levees against the high tide. In 1912 these levees had depreciated to such an extent that hundreds of acres of marsh lands were submerged and deluges of the migratory marsh mosquitoes followed, with disastrous effect upon the summer tourists and a marked falling off of all business in the community affected, as well as discomfort and disgust on the part of the regular residents.

It was at this time that a mass-meeting of prominent citizens in San Mateo county was called, and sufficient money for the mosquito control raised through the regular channels of taxation. Hitherto this work had been supported by private subscriptions, which were limited to a few persons only, the less liberal as well as the non-resident owners not being reached. It was found that the one way to reach them was through taxes, so a mosquito fund was added to the tax budgets of San Mateo, Hillsborough and Burlingame, and put in the hands of a committee to use as they saw fit. By the end of 1913 it was

found that, owing to the migratory characteristics of the salt-water mosquito, that a far greater territory would have to be covered in order to give total protection. This was found to be beyond the means at hand, so the county supervisors were appealed to and were persuaded to make an appropriation so that the work might be extended to every part of the county.

With the money thus provided and with the help of Professor Woodworth of the University of California, acting in an advisory capacity, the control work commenced in earnest. The levees were prepared, draining, filling and oiling pursued, and for two years the community has been enjoying a perfect immunity and will continue to do so as long as these methods are followed.

Before entering into an active campaign, it is absolutely necessary to have some expert entomologist investigate conditions and ascertain where the principal breeding places are, and what particular variety of mosquito is causing the trouble. It is only too often that local control work fails, owing to the infection of migratory mosquitoes, which have been known to fly as far as thirty miles inland from their breeding places regardless of the direction of the wind. The writer has known localities that have been troubled with mosquitoes going to great expense inspecting private properties and endeavoring to eradicate the pest, when an investigation showed that over ninety-five per cent of the mosquitoes in that particular location were migrating from some marsh lands a number of miles away.

It is generally supposed that community work should be inaugurated and carried on by the local board of health or city government, but municipal action is often slow and sometimes too conservative to meet the conditions as they arise. A successful mosquito committee must be composed of level-headed business men, amply supplied with funds and supported by an active and intelligent field force.

There is little use in going into the life history of the mosquito, as there are many publications on this subject that

may be obtained. The University of California has issued a bulletin on the work of this county in 1905, which covers the field in a most excellent manner. There is also a very interesting and complete publication in four volumes, entitled "The Mosquitoes of North and Central America and the West Indies," published by the Carnegie Institution of Washington, which not only gives the history and full description of the mosquito and its habits, but quotes many successful campaigns, most noteworthy of which is the one carried on by the State of New Jersey.

It is of interest to note that New Jersey took their first inspiration from the work done here in 1905, and through a letter addressed to the San Mateo Board of Trade, receiving from them their preliminary data. At any rate, New Jersey went us two or three better. Dr. Smith induced the State to provide a fund of \$350,000 with which he was able to completely control the famous New Jersey mosquito. It has been estimated that within three years the assessed valuation of New Jersey increased over ten millions of dollars, all due to the eradication of the mosquito pest.

While it was not necessary for us to go to this expense, the results have been gratifying, and within a few years the people that we were unable to convince that mosquitoes could be controlled will appreciate the tremendous economical value of their eradication.

San Mateo county in two years has been transformed from an intolerable mosquito-ridden community, unbearable to live in, to a place comfortable and attractive to summer visitors, as well as the regular inhabitants. The enormous economic value of this work cannot be estimated. The marked increase in business and realty activities has been noted in the last two years, and it is safe to say that any money that this community has spent will be returned ten times over in real estate values. Aside from an economic standpoint, if we consider the disease-bearing relation of the mosquito, we can hardly see why any active community should tolerate pests so easily controlled.

PORTLAND'S MILK CONTEST

Pacific Municipalities,

Pacific Building, San Francisco, Cal.

Gentlemen:

Enclosed find data regarding Portland's first milk contest, under a plan we have adopted for rating the product of all dairies and milk depots.

We plan to hold four of these contests during the year. The product of each plant or dairy is rated at the time of the contest, taking into consideration all samples collected and analyzed during the three months preceding the contest. The score card of the B. A. I. for milk is used as a basis for rating.

We would be glad to have you publish the plan and the results in your paper, and we invite criticism. We believe, since our plan is one of co-operation with the dairyman and milk dealer, we are getting results that are unique for a city of 275,000.

Very truly,

M. B. MARCELLUS,
City Health Officer.

SOME FACTS ABOUT PORTLAND'S FIRST MILK CONTEST.

The contest was held under the direction of the Bureau of Animal Industry, U. S. Government. Mr. F. H. Bothell, Assistant U. S. Dairy Investigation, whose headquarters are in Salt Lake, conducted the contest, assisted by Prof. R. R. Graves, professor of dairying, Oregon Agricultural College.

This was a preliminary contest of a series of four to be held during the year. The product of all dairies and city milk plants will be rated upon the results of these contests and the samples analyzed by the Health Department.

In the contest 156 samples or 312 bottles of milk were collected from 92 dairies, 16 pasteurizing plants and 14 city milk depots. Very few of the samples showed any appreciable amount of visible dirt. The average butter fat was 4.0, which is a high average.

The product of 92 dairies supplying most of the raw dairy milk in the market scored as follows:

Over 90.....	9.8%
Over 80.....	63.2%
Over 70.....	79.3%
Over 60.....	85.0%

The product of 16 pasteurizing plants scored as follows:

Over 80.....	18.8%
Over 70.....	50.0%
Over 60.....	62.5%

The product of 14 milk plants scored as follows:

Over 80.....	7.2%
Over 70.....	64.2%
Over 60.....	81.4%

In spite of the fact that the contest was held on three of the warmest days we have had, there were only a few of the samples showing a high bacterial count. For instance, 23% of the samples of Raw Dairy Milk contained less than 10,000 bacteria per cubic centimeter, which is considered excellent. Thirty-seven per cent. were under 20,000, 58% under 50,000, 71% under 100,000, and 83% under 200,000, the maximum count allowed by the ordinance.

During the contest all marks of identification were erased from the bottles, so that the judges did not know whose milk they were passing upon.

The dairymen knew nothing of the contest beforehand, and samples were collected from the wagons, two bottles being taken in each case.

The results of this system will amount to this: When a man begins to market his milk in this city, he enters into competition with other expert dairymen. The laws of supply and demand will regulate the price according to the quality of the goods. Poor milk will command a low price.

It is anticipated that the dairymen will enter very keenly into this competition. The plan is to give suitable diplomas or prizes for the winners in each class at the end of the year.

THE USE OF ASPHALTIC ROAD OIL

By W. N. FRICKSTAD, Assistant City Engineer of Oakland, Cal.

Before the Third meeting of the Bay Cities Branch of the League of California Municipalities, at San Jose, Cal., May 9, 1914.

The man who discovered that asphaltic oil is useful in road building unknowingly started a series of lively disputes that have engaged a considerable part of the time of trustees, engineers and other municipal officials for the past several years, particularly the last five. The use of his product has been called the greatest advance in road building since the days of John McAdam, a triumph of American inventive genius and a wonderful saver of the taxpayer's money. On the other hand, it has been set down as merely another luxury entering into the high cost of living; or, by others of a different mental attitude, called a pitiful substitute for something better and more permanent. It is not my purpose to engage vigorously on either side of the controversy. Probably there is truth in all of these statements, and certainly under some circumstances all are wrong. It is rather my purpose to point out the circumstances under which oil is useful, at least as we have developed the subject in the Oakland Street Department; to describe briefly our methods of using it and to tell something of the cost to us.

You have undoubtedly heard that a street should be designed according to the traffic that it will carry. Other considerations enter, but undoubtedly the amount and kind of traffic is an important factor. A street that is likely to carry less than a hundred vehicles per day can be paved in a very different manner than one that will carry three to six thousand. Also the character of the vehicles is important. In November, 1908, five and one-half years ago, the best information at hand indicates that the automobile traffic in Oakland was between 10% and 12% of the total,—not enough to be a serious factor except on a few main highways especially useful to them. A year ago a count of 130,000 vehicles covering 25 points showed

53.6% of the total to be automobiles of various kinds, the stations ranging from 7% to 72%. A similar count this year shows nearly 60% as an average. Obviously there has been a great change in the kind of traffic in the last few years.

However, the traffic is not the sole consideration in selecting a pavement. In deference to our optimistic friends the real estate operator who wants a pavement, but wants it thin, and to the pessimistic protestant who appears before the Board of Council as evidence that he does not want any pavement at all, but if he must have it wants it cheap, I will say that cost is an important item. On the other hand, certain things must be secured even on our streets of lightest traffic. The average residence street is essentially part of the front yard. It should be of decent appearance and reasonably clean. The children will surely use it for a playground, and it should not be a series of bog holes in winter and the source of a fog of dust in summer. These latter considerations alone cause the demand for many miles of paving annually. Incidentally, the individual property owner who has an automobile or a horse wants to reach his home conveniently; the grocer, butcher and expressman find good streets necessary in the residence district, and occasionally every street will be traversed by the heaviest truck in town with a load of lumber, stone or other building material.

From the foregoing remarks it is clear that any pavement, to be useful, must be durable in proportion to the expected traffic, clean or easily cleaned, reasonably noiseless, pleasing in appearance, low in tractive resistance, offer a good foothold, be capable of sustaining the heaviest loads and be easily repaired. Certain minimum requirements must be exacted regardless of the amount and kind of traffic. Under former conditions plain macadam served the purpose very well on streets of moderate travel, and was extensively used under medium and

even heavy traffic. In recent years there has been a growing demand for cleaner streets, and macadam was nearly always dusty in summer and muddy in winter. Then came the automobile, propelled by its own wheels at high speed, and plain macadam promptly became out of date.

The problem of finding a substitute for macadam arose in Oakland five or six years ago. We did not care to adopt a standard asphalt pavement at a cost double or treble that of macadam. All of the patented pavements that came into vogue at about that time seemed defective in some vital point or were too expensive. After some experimenting, which has been in progress to some extent ever since, we adopted the use of asphaltic oil to modernize our macadam. It is now our standard for streets of light and medium traffic. So far as can be known at the present time it fulfills, to a reasonable degree, all of the requirements set forth above, excepting that it is distinctly not easily repaired, especially over refilled trenches. But this is true of any type of pavement built without an adequate concrete base, and is one of the penalties attached to building a low priced pavement.

The precise amount of traffic that should bar the use of oil macadam in favor of something better is difficult to say. Tentatively, perhaps 1000 vehicles per day on a roadway thirty-five or forty feet wide might be suggested, although if most of the traffic be ordinary automobiles or light horse-drawn vehicles, this might be too conservative. Time alone, combined with careful traffic records, will answer this question. A traffic of 1000 vehicles per day is not found on many streets in a small city, and even in a large city the mileage is limited. So if experience proves that this limit is correct, even if other pavements prove to be satisfactory and economical, the field of usefulness for oil macadam is extremely broad.

Another field in which asphaltic oil has been useful to us began primarily as a maintenance operation and secondarily a betterment. When we abandoned the construction of plain macadam in 1910 we had about 273 miles of that

class of streets. It was obviously impossible to order their immediate reconstruction, most of them being in good or fair condition. The automobiles, however, were beginning their deadly work. We were forced to find some means of protecting these roadways. Surface oiling, which had already been successful in other places, was adopted as the most economical protection in sight, promising also to reduce the cost of maintenance by eliminating the sprinkling and decreasing the cost of cleaning. A beginning was made in 1910 and 1911 and the work prosecuted vigorously since. To date we have surface oiled about 65 miles of street. Reconstruction has further reduced the length of plain macadam to about 193 miles, of which fully 100 miles will be oiled as rapidly as funds permit. The others are too old to be oiled economically.

So much in general as to the field of usefulness of road oil. Many methods have been developed in various cities, but to make clear upon what we are basing our faith it might be advisable to continue to limit the discussion to Oakland practice. I shall omit many details. For further information, if you wish to compare our methods with yours, I invite you to visit Oakland at almost any time between now and October. We will be glad to give any information available and show some of the actual work.

Our work is of four types:

(1) Oil macadam, which consists of a macadam street into which oil has been worked during the process of construction. The term *oil macadam* covers a wide range of specifications, but as used in this paper the distinctive feature is a definite penetration of oil into the pavement to the extent of two or three or more inches.

(2) Surface oiling, which consists of spreading a thin wearing surface of oil and screenings over a completed water-bound macadam street.

(3) Surface oiling on a concrete base, somewhat after the manner of the so-called Dollar-way pavement.

(4) Oil used in patching or repair work.

We are using two types of oil macadam, one being called single course, and the other two course oil macadam. The former is constructed as follows:

After the curbs and gutters have been completed and the subgrade carefully graded and rolled, a layer of stone is spread, varying in depth from eight inches at the center to six inches at the gutters, measured before rolling. This rock is rolled once, then screened and rolled alternately until filled with screenings and the roadway is fairly compact and firm. Then oil is applied at the rate of about seven-eighths gallon to the square yard. Sufficient time is allowed for the oil to sink into the rock, when the street is again screened and rolled. Then about five-eighths of a gallon of oil per square yard is applied and again the street is screened and rolled.

In the main, we have had good success with this pavement because we have insisted on good material and careful workmanship. However, we have had some partial failures. The main difficulty is with the fundamental theory of the pavement. When we secure perfect results we have an oil-bound wearing surface about three inches thick overlaying another layer of rock three or four inches thick which may or may not be thoroughly compacted, bound and filled with screenings. The base is therefore likely to be weak, especially in spots, and give way under a heavy load. Furthermore, certain practical difficulties occur in trying to secure results. If we roll sufficiently to pack the base before oiling we are almost certain to seal the top so that the oil will not penetrate; if we leave the top open and porous to absorb the oil, the base may not be compact. The slightest carelessness results in both defects in the same block. Then we find that the details must be varied from day to day according to the weather. Also that the rock from each quarry needs its own treatment, and we used rock from twelve quarries last year. Also the personal equation of the contractors, foremen and inspectors has its influence. Nor does the pavement seem capable of supporting heavy loads in the first years of its life.

Because of these difficulties and the

uncertainties involved, we have ceased to issue specifications for single course macadam, which might better be described as an attempt to build a two-course pavement in a single operation. All of our new specifications frankly call for two courses or layers. The essential features are as follows:

After the roadway has been brought to the proper subgrade, and after the curbs and gutters have been constructed, a course of broken stone, known as the base course, having a depth varying uniformly from five inches at the center of the roadway to four inches at the gutters, measured before rolling, shall be spread on said subgrade. This base course shall then be rolled, etc., as usual for water-bound macadam. Upon the base course shall be spread a course of broken stone, known as the top course, having a uniform depth of three inches, measured before rolling. This top course shall then be sprinkled uniformly with oil at the rate of one-half gallon to the square yard, after which said top course shall be harrowed and again sprinkled uniformly with oil at the rate of one-half gallon to the square yard. This oiled surface shall then be thoroughly rolled, enough screenings being spread in light layers on said top course during the rolling to completely fill the voids. After the top course has been so prepared oil shall be sprinkled uniformly over the surface at the rate of one-half gallon to the square yard, then covered with screenings and thoroughly rolled.

The stone for the top course must be of a high grade, ranging from one inch to two inches in size, but for the base course may be poorer and coarser.

The two important precautions in building this kind of pavement, aside from good material and workmanship, which we have with us in all construction, are (1) compacting and binding the base course, and (2) oiling the top course uniformly.

This pavement is fundamentally sound. It conforms to good theory and practice. It is not new or untried. We let one contract in 1911 and five in 1913, and have observed the success of other municipalities with this kind of construction for some years. We have long believed it to be better than the single

course macadam, but have hesitated over the additional expense. It is now clear to us that the additional cost is fully justified by the improvement in quality, and we hope that when the contractors appreciate its comparative simplicity of construction that the difference in price will be reduced.

Oil macadam, particularly of the two-course type, has all of the good qualities of plain macadam, excepting that traction is slightly heavier for horse-drawn vehicles on warm days. On the other hand, automobiles seem to have little effect upon it. Iron tires, especially when heavily loaded, tend to slowly wear the surface, which can be renewed. The surface is clean, no dust or dirt being created by the wear. The roadway and gutters are kept cleaner than our plain macadam at half the expense. The edges at the gutters are not washed out by an occasional winter flood and crossing culverts are seldom blocked by sand. It gives a good foothold for horses and rubber tires, except in wet or extremely cold weather, when it is still less slippery than asphalt. It is practically noiseless. In appearance and fundamental soundness it is comparable with an asphaltic concrete wearing surface laid on a plain macadam base. Which of the two is ultimately better, maintenance, first cost and service all considered, cannot be said at this time, but the oil macadam is certainly the cheaper in first cost.

The second method of using oil, surface oiling, starts off with a sound, hard, reasonably smooth macadam roadway. The street is carefully cleaned and repaired. Oil is then spread upon the street at a rate varying from five-tenths to six-tenths gallons per square yard. This oil is covered with clean screenings and rolled. A few weeks of moderately warm weather, together with an ordinary amount of traffic, will produce a smooth asphaltic surface.

This operation is easily accomplished by skilled workmen. But we have found—and the case is probably the same with many of you—that certain things are necessary for success. The first of these is a good street on which to work, for every soft spot, ridge or depression will show in exaggerated form shortly after

oilng. Another is skilled workmen, especially the foreman, operator of the oil wagon and teamster. Another is thorough cleaning of the street, for the oil will not adhere when insulated from the rock by a layer of dust. Another is clean, hard screening. Another is suitable oil. We are using 90 per cent refined oil, but other grades have given success. Without going into a technical discussion of oils, it may be said that oil with high adhesive qualities is necessary for this work as well as for any other method of using road oil. A final precaution is to limit the amount of oil. Excess oil is expensive in itself, requires extra screenings in proportion, and results in a wavy road.

Indications are that the oil surface will last from three to five or six years. Few of our streets oiled four years ago show any necessity of a reoilng, although some carry a fair traffic. This kind of street has all of the merits of oil macadam as to appearance and cleanliness, but is more affected by horse-drawn vehicles and by moisture. When a break occurs in the surface, the surrounding pavement goes rapidly.

The third method of using oil is by a surface application on a concrete base. Our experience in Oakland is limited to one short street in the vicinity of the Livingstone-street wharf. Here we constructed a concrete base to which we applied oil and screenings in much the same manner as ordinary surface oiling. A few months after completion a change in conditions made this road the pathway for a motor truck, dragging a heavy lumber truck with iron tires. Within a few weeks the iron tires had crushed the screenings into a fine powder in long strips and loosened the bond of other parts of the surface so that patches could readily be stripped off with a stick. The surface was repaired, and now, one year later, although the traffic is insignificant, the surface is in bad condition.

It is hardly fair to condemn this type of pavement on this one failure, but reports from other places indicate that iron tire vehicles above and a concrete base below form a combination much like the proverbial millstones, and that the usefulness of this pavement is probably limited to streets that carry auto traffic

and light pleasure vehicles exclusively.

The fourth way in which we use road oil in Oakland is a maintenance operation, being the repair of oiled streets of all kinds, and the patching of trenches opened therein. This speedily becomes important as soon as a town accumulates a few miles of oiled streets. There are all sorts of devices for doing this work. The type used should depend upon the amount of work expected. In 1911 we placed in operation a patching machine that consists of a wagon truck on which is mounted an oil tank, a four-horse power boiler and a pump. The tank holds about 400 gallons and is fitted with a steam coil to keep the oil hot. To the pump is attached a flexible armored hose, fitted with spray nozzles. One man drives the pair of horses and another operates the machine. A steam roller accompanies the oiler, together with a sub-foreman, two carts and three laborers. Screenings are deposited along the street where needed and are distributed by cart.

Ordinary repairs, where the defects consist of spots from which the oil surface has been work or stripped, are accomplished by sweeping away the dust, spraying lightly with oil, filling the hole with screenings and then rolling. Frequently the rolling is omitted, but that is unwise where there is much auto traffic. The greatest nicety of judgment is required in applying the right quantity of oil. Careless workmanship or poor judgment will soon repair an oiled street into a wreck. Trench repairs or holes that extend below the surface are treated differently. In this case rock, the coarser the better, is placed in the cavity, thoroughly rolled, oiled, covered with screenings and rolled again. Here the secret of success is to have the rock well keyed into the surrounding pavement, and for trenches to have been properly backfilled.

So much for methods of using oil in Oakland. The cost is best appreciated by comparison with plain macadam.

The cost of adding a surface of oil and screenings to our plain macadam has been about 7 cents per square yard, without including overhead expenses or cost of equipment. At present a con-

tractor is doing some of our work at 10 cents per square yard, which price should possibly be reduced to 9 cents in the future, as the result of more experience and competition.

The cost of oil macadam, being paid by the abutting property owners, is best indicated by the contractor's bidding prices. The prices quoted are all based on the ordinary public or private contract, where the contractor collects from the property owner. In former years we paid from seven to eight cents per square foot for plain macadam. Last year prices for single course oil macadam averaged about 9½ cents per square foot. This year prices for two-course work average about 10.6 cents.

The foregoing indicate an advance of about 2 cents per square foot in the price of single course oil macadam over that of plain macadam. But in this is probably included something to cover discount on the serial bonds that have been in use on this work in the last three years. These figures also indicate an advance of another cent, or slightly more, per square foot, due to laying the pavement in two courses. This is not all properly chargeable to oiling, however, for in most places, aside from this part of California, even plain macadam is laid in two courses.

We have reason to believe that certain tract owners, making terms of payment favorable to the contractor, have secured their work for 75 per cent of these prices.

At this time it is impossible to give satisfactory figures on the cost of repairs. The mileage and area of our oiled streets changes so rapidly, conditions are so varied on different streets, and our own repair work is so mixed with trench repairs for sewer contractors and public service corporations that definite figures are difficult to obtain. However, deducting charges billed to public service corporations and others for whom we made repairs during the year 1913 our cost of oil patching was about \$7000. With this amount we maintained about 78.4 miles of street. The following table is submitted as a comparison of the estimated cost of maintaining an average mile of oiled

street and a plain macadam street under Oakland condition:

	Oiled.	Plain.
Repairs	\$ 89.00	\$212.00
Cleaning	72.00	145.00
Sprinkling		301.00
One-fifth cost reoilng	317.00	
Total.....	\$478.00	\$658.00

Oiled streets requiring about 73 per cent of the cost of plain macadam.

The above figures are submitted with some hesitancy, but with the belief that the ratio is approximately correct. Also with the belief that the ratio will remain somewhat the same for succeeding years, for while it is true that our oiled streets are comparatively new, it is also true that improved methods of using oil and a further increase in the proportion of auto traffic tend to make the future more favorable to oil.

In conclusion it may be said that asphaltic oils have two wide fields of usefulness (1) to protect and conserve ex-

isting plain macadam streets against changed traffic conditions brought about by the automobile, and to reduce the mud and dust nuisance; (2) to help in building a better macadam than the old type, giving better service and having a wider usefulness. Incidentally it is interesting to note that possibly the much abused automobile will have assisted us—by force—to adopt a type of pavement that will reduce our maintenance bills. That, of course, remains to be proved. The field of road oil is *not* to provide a substitute for standard asphalt, brick or other high types of pavement, where the expense of these is justified by traffic conditions. Lastly, there is a wide variety of methods of successful use of oil. Good material, careful workmanship and expert supervision are necessary for all. The most important of these is expert supervision. For the way to success has been discovered only after many expensive failures, and the way to failure is just as open now to the inexperienced as it ever was.

THE FALLACY OF OIL AS A BINDER

By W. C. HAMMATT, City Engineer of Hillsborough

At the recent meeting of the League of California Municipalities at San Jose a paper was presented describing the use of asphaltic oils in road construction. The paper was excellently prepared and delivered, and, as was stated by one of the hearers, will be of inestimable value to the layman by showing him the actual manner of use of the oils in road construction. It might also, however, be productive of much harm did some of the points given go undisputed, or without further explanation.

Oiled macadam has its faithful adherents and also its enemies. As will be surmised from the preamble, I am one of the latter class. Because of California's immense production of oil, and the natural advertising and pushing of their product by the oil companies, county officials and the general public have accepted it as a road material sent

down from heaven to give us cheap and good roads. The many failures in roads where it has been used is ascribed to poor workmanship, wrong weather conditions, some unknown condition in the rock or gravel, but never to the fact that oil, whether it have an asphaltic base or not, is essentially a lubricant and not a binder.

In the construction of a water-bound macadam road, the various classes of rock are spread and rolled until the most mechanically stable condition is obtained. The water which is applied serves the main purpose of carrying the dust of fracture into the small interstices between the stones, thus increasing the stability, and also, in the cases of certain kinds of rock, in cementing the dust of fracture and the finer screenings into a mortar-like binder. It is the stability of the aggregate, however, to which water-bound macadam

owes its durability, and all will agree that until the pneumatic automobile tire appeared, with its suction and its rapid and severe tractive action, the water-bound macadam was the most satisfactory and durable of roads. As soon as this action and its results became apparent it at once suggested itself to the county official that some material applied to the surface which would prevent the suction of the tires from removing the dust from between the coarser particles would solve the difficulty. And what better material than the oil so plentiful in California? Thus was born the oiled macadam road.

The action of oil applied to the surface of an existing macadam road is different from that incorporated in the aggregate in the construction of a new road. When oil and screenings are applied to the surface of an existing road, a certain quantity of the oil penetrates the old macadam. That which remains on the surface saturates the screenings and forms a skin from which the more volatile elements ultimately evaporate, leaving a smooth and impermeable surface. Were it not for the oil which penetrates the macadam this would make a satisfactory improvement in the old road, and increase its durability under motor traffic. Unfortunately, however, none of our roads have to stand motor traffic exclusively, but all have to bear a certain amount of horse-drawn steel-tired traffic. The oil which has penetrated the old macadam, however, does not evaporate, but acts as a lubricant to the particles of aggregate, destroying their condition of stability. The result is that as soon as the thin protective coating of carbonized oil is broken through, the macadam immediately goes to pieces at that point. A macadam pavement which has received a surface treatment of oil and screenings, therefore, always later assumes the appearance of a smooth surface broken by deep chuck holes. The time which it takes to assume this appearance depends on the nature of the traffic and the amount of maintenance work done on it more than on the care in first construction.

In the construction of oiled macadam roads by either of the two methods given

in the above mentioned paper, or, in fact by any of the numerous specifications which are in use in the State, the oil is applied in such a manner that, when the pavement is finished we have a thin crust of carbonized oil on the surface and two to six inches of crushed rock containing oil in its natural state below. This has been rolled into a condition of stability *under the particular load used in rolling*, which never exceeds 250 pounds width of tire. The completed pavement, therefore, will stand up very well under light horse-drawn traffic and under fast motor traffic, being protected by the thin coating above mentioned. Wheel loads on heavy teaming, however, run above 500 pounds per inch width of tire, and sometimes to 1000 pounds. As soon as the original rolling condition is exceeded the particles of the aggregate, lubricated by the oil in the pavement, move on each other, and we promptly have a rut with the edges bulged up on each side. This is almost invariably the manner of failure.

There have been some, though a very small proportion, of successful pavements constructed using asphaltic oil as a binder. Most of these have been in the southern part of the State, where the high summer temperature and the more open and porous soil conditions tend to carry the carbonization of the oil to a greater depth, thus forming a crust of sufficient thickness to carry the traffic. Those which have been successful in the central part of the State and in the bay region have also used the same principle, that is, the surface treatment has been such as to promote rapid carbonization, and the quantity of oil applied to the body of the aggregate has been so small as to minimize the damage.

Those who favor the oil macadam construction will say that it is possible to overcome the disintegration of the pavement by repairing the bad places as fast as they appear. This, however, necessitates a constant force at work on the roads, and a very high maintenance expense. There are other classes of pavement but little more expensive than the one cited which will require practically no repairs for a long term of years.

SHEET ASPHALT ABANDONMENT CONSIDERED

Pasadena may set fashion by laying Bitulithic pavement to avoid skidding. From the Pasadena Star of April 2, 1911

Pasadena will probably have no more sheet asphalt pavement, and that laid on the Colorado street bridge stands a fair chance to be the last pavement of that type put down inside the city limits. The reason for this is summed up in a single word—skid. Commissioner Allen states that bitulithic pavement will wear better than asphalt and is nearly skid-proof, and regret is expressed that the Colorado bridge road surface is not of that type of work.

During the recent showers three machines were wrecked in fifteen minutes on the Colorado street bridge at the curve, and in one accident a man's leg was broken. Tests show that the curve is safe if the legal speed of ten miles an hour and no more is maintained, but above that speed a skid is hard to avoid. The danger is greatest immediately after a slight shower, for then the dirt on the surface becomes slime and is very slippery.

Directly after news of the bridge accidents came to the city hall Commissioner Allen directed Street Superintendent Beyer to flush the surface of the bridge pavement. As soon as this work was done the skidding stopped, but the damage done to machines was considerable.

Bitulithic paving was originally specified for the surface of the bridge, but because of the cost sheet asphalt was substituted when the plans were revised. This paving carries crushed rock through to the surface and it is the rock on the surface which prevents the skids.

City Engineer Smith believes a mistake is being made even in smoothing off the surface of bitulithic paving, as is usually done, and it may be possible that future specifications will not require this practice. At present it is the custom to dress the pavement on top so that it is almost as "slick" as asphalt. On hills this smoothing is not done and it has been found that this prevents skids and gives horses a much better footing.

SEATTLE'S NEW CHARTER

The new charter for the city of Seattle, prepared by a committee of fifteen freeholders recently elected for that purpose, has just been completed and will shortly be submitted to the voters of that progressive city at a special election. If endorsed at the polls, its operation will be followed with interest by all students of municipal government, inasmuch as Seattle with its rapidly growing population already exceeding 300,000 souls, is much the largest city in this country to employ a general manager for the city's business. The Seattle plan differs from the Dayton and other city manager plans in several important respects.

In the first place, inasmuch as the new city council is to have only legislative powers and no administrative or executive functions, it has been enlarged to

thirty members, elected from as many districts for two-year terms. This enables the council to represent more adequately the various policies, classes, interests and groups which exist in every large city, whilst the election from districts, with preferential voting, is expected to result in diversified if not strictly proportional representation, as no one party, combination or group will predominate in each of the districts. At any rate, there should be no considerable fraction or group without one or more spokesmen in the government to represent its ideals and urge its demands. The councilmen have no stated annual salary, but receive five dollars per meeting attended, not to exceed sixty meetings per year.

There is also a mayor elected at large, likewise for a term of two years. He is

the official head of the city for all legal and ceremonial purposes, and is responsible for the maintenance of peace and good order in the city. He is also the president of the council and head of the police department, and appoints the chief of police and a number of important boards and commissions.

One of the noteworthy features of the proposed new charter is the administrative separation of the business activities of the city from the humanitarian, cultural and general welfare departments, such as libraries, parks and playgrounds, amusements, housing, unemployment, municipal farms, charitable, correctional and reformatory institutions and agencies, delinquency, crime and other social problems. All these are under the control of the mayor, being managed by a public welfare commission of three unsalaried members appointed by him. All the business activities on the other hand, such as public works, contracts, purchases and supplies, engineering, public utilities, streets and sewers, water works, lighting, buildings, fire, health and sanitation and similar activities are under the control of the city manager, who is elected by the council and whose salary is fixed by the charter at twelve thousand dollars per year.

The letting of contracts and the payment of all bills, payrolls and claims, also the assessment rolls for local improvements and the approval of sureties and bonds are placed in the hands of a Board of Awards and Adjustments, consisting of the city manager, the city controller and the corporation counsel.

PREFERENTIAL VOTING.

Perhaps the most unique feature of the proposed new charter is the system of preferential voting, prescribed not only for popular election of city officials, but for all elections and appointments made by the council. It is estimated that this system of preferential voting, which abolishes primaries entirely and requires but one election every two years, will save the city between forty and fifty thousand dollars a year. It does all that a primary election can do, only does it much better and at much less expense.

All existing methods of preferential voting were carefully compared by the freeholders' committee, and all found faulty in some respects or unsuited to local conditions. The committee therefore agreed unanimously on the following method, which is different from any system of preferential voting in use elsewhere, but which, all things considered, seemed the simplest, fairest and best adapted to existing conditions and the purpose in view.

The voter indicates his preference by writing the figure "1" opposite the name of his first choice for any office, and is permitted but not compelled to express as many additional preferences as he pleases by writing the figure "2" opposite the name of his second choice, the figure "3" opposite the name of his third choice, and so on. In short, the form of the ballot and the voter's task are the same as in the Nanson, the Ware and the Hare systems of preferential voting. But the rules of counting are different, being briefly as follows:

(a) Candidates receiving a majority of all first choice votes cast for any office shall be elected. If no candidate receives a majority of the first choice votes cast for the office in question, a canvass shall then be made of the second choice votes received by the candidates for such office. The total of second choice votes of each candidate shall then be divided by two and the quotient (disregarding fractions) added to the first choice votes received by such candidate, and the candidate who by such addition shall receive a majority of all first and second choice votes (counting second choice votes at one-half value) shall be elected.

(b) If no candidate receives a majority by adding first and second choice votes as directed in the next preceding sub-section, a canvass shall then be made of the third choice votes received by the candidates for said office. The total of third choice votes received by each candidate shall then be divided by three, and the quotient (disregarding fractions) added to the combined first and second choice votes for such candidate, and the candidate who by such addition shall receive a majority of all first, sec-

ond and third choice votes (counting second choice votes at one-half value and third choice votes at one-third) shall be elected.

(c) If no candidate receives a majority by adding first, second and third choice votes as directed in the next preceding sub-section, the process of adding the next lower preference shall be thus continued until some candidate has a majority of all the votes cast for the office in question (counting second choice votes at one-half value, third choice votes at one-third value, fourth choice votes at one-fourth value, and so on to the lowest preference expressed for any candidate for the office in question).

(d) If no candidate receives a majority by counting first, second, third and all further choices down to the lowest preference expressed for the office in question, as directed in the next preceding sub-sections, then the candidate who receives the highest number of votes by such addition of all the preferences expressed shall be elected.

(e) A tie between two or more candidates shall be decided in favor of the candidate having the highest number of first choice votes. If this does not decide, then the highest total number of second choice votes shall determine the result. If they are also equal in that respect then the process of comparing the next lower choices shall be continued down to the lowest preference expressed for the candidates concerned, and if this still leaves the contest undetermined the tie shall be decided by lot under the direction of the canvassing board.

As applied to elections and appointments by the city council, the charter provides that the voting must take place

at a meeting to be fixed by the council in advance, not later than sixty days after a vacancy occurs. Nominations may be made orally by any councilman, and must close one week before the time fixed for the election or appointment concerned. The ballot cast by each councilman must be signed by him and a record of the vote is entered in the journal. Whenever there are three or more nominees for the same office, each councilman voting must express at least his first, second and third preference for the office in question, otherwise his ballot shall not be counted.

RESOLUTIONS ADOPTED.

Before adjourning from their labors the freeholders' commission adopted the following resolutions:

1. That the State Legislature be urged to submit a constitutional amendment guaranteeing to cities of the first class the right of self-government in all matters relating to local municipal affairs.

2. That the State Legislature be urged to submit an amendment to the State Constitution leaving the manner and time of publication of Freeholders Charters to State legislation.

3. That the Legislature be urged to extend the period of preparation of Freeholders Charters to at least one hundred twenty (120) days.

4. That a bureau of municipal affairs should be created and maintained by the United States Government, for the collection, compilation and dissemination of appropriate information relating to all matters of municipal concern, and that the Washington delegation in Congress be urged to further and secure appropriate legislation to this end.



THE BEST MUNICIPAL CHARTER

Editor's Note.—A committee of the National Municipal League consisting of Wm. Bennett Monroe of Harvard University, Charles A. Beard of Columbia University, Ernest L. Bradford of Washington, Clinton Rogers Woodruff of Philadelphia, and Richard S. Childs of New York, Chairman, recently submitted a report on the Commission Form of Government as a supplemental report to the one made two years ago. A majority of the committee consisting of Charles A. Beard, Clinton Rogers Woodruff, Wm. Bennett Monroe and Richard S. Childs recommended the City Manager variation of the commission government, and stated that in their judgment "the Springfield charter (Springfield, Ohio) was the best thus far put into effect." The following is a synopsis of the Springfield charter.

Powers of the City. It provides that the city "shall have and may exercise all powers which now or hereafter it would be competent for this charter specifically to enumerate, etc."

Commissioners. Five Commissioners are provided to be elected at large; they shall hold office for four years, two of them alternating every two years.

Qualification of Commissioners. Previous residence of five years is required. Each candidate for Commissioner is forbidden to make any personal canvass among the voters to secure his nomination or election.

Vacancies. A vacancy on the Commission is filled by the remaining members by vote of at least three. In case of three or more vacancies at the same time, the trustees of the sinking fund and members of the Civil Service Commission may appoint a commission of three to fill the vacancies.

Salary and Bonds. Each Commissioner shall receive a salary of \$500.00 a year, payable in monthly installments, and shall give a bond of \$10,000.

President. Commissioners shall elect one of their members President and another as Vice-President for a term of two years. The President shall simply be recognized as the official head of the city.

Clerk and Employees. Commissioners shall appoint a clerk who shall keep all records and perform such other duties as may be prescribed by the charter or Commission. They may also appoint and employ such other officers and employees as are necessary.

Time of Meeting. Said Commission shall meet at such times as may be prescribed by ordinance or resolution, but regularly not less than one evening each week.

Penalty for Absence. For each absence from a regular meeting of the Commission, there shall be deducted a sum equal to two per cent of the salary of such member.

Emergency Measures. All ordinances and resolutions shall go into effect thirty days after passage, except the Commission may by an affirmative vote of four members pass emergency measures to take effect at the time indicated therein, but no measure granting renewal or extension of a franchise or other privilege or regulating the rates to be charged by a public utility shall ever be passed as an emergency measure.

Price and Mode of Publishing Official Notices. All official notices requiring publication shall be published in a newspaper of general circulation in the municipality, in body type of the paper and under headlines in eighteen point type, specifying the nature of the publication.

The newspaper carrying such publication shall be paid a price per inch of space used and the lowest and best rate offered, not exceeding that which it receives from regular commercial display advertisements for quantity of space used. When it may appear to the Commissioners that the rates offered are unfair, the Commission may employ other means of securing publicity of notices in lieu of newspaper advertising.

City Manager. The Commissioners shall appoint a City Manager to be the administrative head of the government under direction and supervision of the Commission, who shall hold office at the pleasure of the Commission. He need not be a resident of the city at the time of his appointment.

Powers and Duties of the City Manager. (a) To see that the laws and

ordinances are enforced. (b) Except as herein otherwise provided, to appoint and remove all heads of departments, all subordinate officers and employees of the city; all appointments to be upon merit alone and subject to the civil service provisions of the charter. (c) To exercise control over departments and divisions. (d) To see that all terms and conditions imposed in favor of the city in any public utility franchise are faithfully performed and to report any violation to the City Solicitor, who shall take steps to enforce performance of the same. (e) To attend all meetings of the Commission with the right to take part in the discussions but without the right to vote. (f) To recommend to the Commission for adoption such measures as he may deem advisable. (g) To act as Budget Commissioner and keep such Commission apprised of the financial situation and needs of the city. (h) To perform such other duties as may be prescribed by the charter and required by the Commission.

Heads of Departments. Except the departments of City Solicitor, Auditor, Treasurer, Sinking Fund and Civil Service, the City Manager shall be acting head of departments until otherwise directed by the Commission, but with the consent and approval of the Commission he may appoint a deputy or chief clerk to represent him in any department. No member of the City Commission shall directly interfere with the conduct of any department, except at the express direction of the Commission.

City Solicitor. The Commission shall appoint a City Solicitor or Legal Advisor to serve as Attorney and Counselor for the municipality and its officers. The usual duties are prescribed.

City Auditor. The Commission shall appoint a City Auditor who shall hold office at the pleasure of the Commission. He shall issue all warrants, keep an accurate account of all taxes and assessments, and all receipts and disbursements by the municipality. At the end of each fiscal year he shall audit the account of the different departments. He may prescribe a form of report to be rendered to his department and the

method of keeping accounts of the other departments, and shall require detailed reports to be made to him of each department showing all receipts and disbursements.

City Treasurer. The Commission shall appoint a City Treasurer to hold office at the pleasure of the Commission. The office of City Treasurer may be combined with that of Clerk or any other office not inconsistent therewith.

Purchasing Agent. The Commission shall designate some official of the city, other than the Auditor or Treasurer, to act as Purchasing Agent, who shall approve all vouchers for the payment of supplies, and conduct all sales of personal property which the Commission may desire to sell. All purchases and sales shall conform to such regulations as the Commission may prescribe from time to time, but in case the amount involved is in excess of \$500.00, opportunity for competition shall be given. Until the said Commission shall otherwise provide, the City Manager shall act as Purchasing Agent.

Civil Service. Civil Service Commission shall continue as now organized and shall be governed by the general laws of the State. Vacancies on the Civil Service Commission shall be filled by the City Commissioners. Members of the Civil Service Commission shall serve without pay.

Advisory Boards. The City Commission at any time may appoint an Advisory Board or Boards composed of citizens qualified to act in an advisory capacity to the Commission, City Manager or head of any department. They shall serve without compensation and at the pleasure of the Commission, and may make written recommendations which shall become part of the records of the city.

Political Activity. Neither the City Manager nor any person in the employ of the city under him, shall take any active part or contribute any money toward the nomination or election of any candidate for the office of City Commissioner.

The Estimates. The fiscal year shall begin on the first day of January. On

or before the first day of November of each year the City Manager shall submit an estimate of the expenditures and revenues of the city departments for the ensuing year. The estimate shall be made on uniform blanks to be furnished by the City Manager, in parallel columns which shall give the following information:

(a) A detailed estimate of the expense of conducting each department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year.

(d) Amount of supplies and materials on hand showing increase or decrease compared with corresponding appropriation for the current year.

(e) Such other information as may be required by the Commission or that the City Manager may deem it advisable to submit.

(f) Recommendation of the City Manager as to amount to be appropriated, giving reasons therefor.

Appropriation Ordinance. Upon receipt of the estimate the City Commission shall prepare an Appropriation Ordinance, but before final action thereon shall fix a time and place for holding a public hearing upon the tentative appropriation and shall give public notice of such hearing. The ordinance shall not be passed until ten days after such public hearing.

Transfer of Funds. Upon request of the City Manager the City Commission may transfer from one fund to another.

Payment of Claims. No warrant shall be issued by the City Auditor until the claim has been approved by the head of the department for which the indebtedness was incurred and also by the City Manager. The City Auditor shall have the power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose may summon before him any officer or employee in any department of the municipality or any other person, and may examine him upon oath relative thereto.

Certification of Funds. No contract, agreement or other obligation shall be

entered into until the City Auditor has certified that the amount of the money required for such obligation is in the treasury and not appropriated for any other purpose. This does not apply to local assessments, nor to moneys payable which may be anticipated.

The City Commission shall have furnished them a monthly balance showing all receipts and expenditures for the preceding month. At the end of the year an annual report shall be printed in pamphlet form showing receipts, expenditures, assets, and liabilities of the city and a detailed statement of such receipts and expenditures for the preceding year. A copy of this report shall be furnished the State Bureau of Accounts, the public library and any citizen of the city may apply therefor.

Special Assessments. Special assessments may be levied in accordance with the general laws of the State.

Direct Labor. The said Commission may do any public work or make any improvement by the direct employment of the necessary labor and the purchase of the necessary supplies and materials, after first passing an ordinance or resolution declaring for such method.

Sewer, Water and Gas Connections. The Commission shall require all sewer, water, gas or other connections to be made and shall give notice thereof to the persons or corporations required to make the same before paving any street; failing to comply, no permission shall thereafter be granted within five years from completion of any such street improvements, unless with the consent of four of the Commissioners.

Expenditures Exceeding \$1,000. An expenditure calculated to exceed \$1,000 must first be authorized and directed by ordinance, and no contract for such expenditure shall be made or awarded except upon approval of the City Manager and the Commission. The Commission shall not enter into any contract which is not to go into full operation during the term for which all the members were elected.

Elections. Regular municipal elections shall be held on the first Tuesday after the first Monday in November of

the odd numbered years. Primary elections shall be held at this time provided by the general election laws of the State.

Ballots. Ballots shall be without party marks or designations. The whole number to be used shall be divided by the number of candidates and the quotient obtained shall be the number of ballots in each series. The names of the candidates shall be arranged in alphabetical order and the first series printed. The first name shall then be placed last and the next series printed and this process shall be repeated until each name shall have been first. These ballots shall then be combined into tablets with no two of the same order of names together. Otherwise they may conform as nearly as may be to the general election laws of the State.

Primaries. Candidates for the office of Commissioner shall be by non-partisan primary election. Names shall be printed on the primary ballot by petition in accordance with the following provisions:

(a) Petition shall state the name and place of residence of each person presented.

(b) Petitions shall be signed by two per cent of the voters.

(c) The petition shall also contain a provision by each signer thereto pledging himself to support and vote for the candidate. The petition shall also contain the place of residence and date of signing.

Acceptance. Any person who has been presented by petition as a candidate shall file his acceptance not later than twenty-five days previous to the election, otherwise his name shall not appear on the ballot. The two candidates receiving the highest vote shall be placed on the ballot for final election. In all other matters the general election laws of the State shall prevail.

The Initiative. Any proposed ordinance may be submitted to the City Commission by petition of five per cent of the voters. Should the Commission refuse to pass the ordinance, five of the petitioners may then secure additional signatures of five per cent of the electors, none of whom signed the first peti-

tion, requiring it to be submitted to a special election, which election must be held within three months time. No ordinance adopted by electoral vote can be repealed or amended except by electoral vote, but the Commission may submit such ordinance or amendment to an electoral vote at any regular election or special election called for some other purpose.

Referendum. If within thirty days after the passage of an ordinance a petition signed by fifteen per cent of the voters be filed with the clerk requesting its repeal or amendment, it shall not become effective until submitted to a vote of the electors. A petition of twenty-five per cent of the voters shall have the effect of causing a special election thereon.

The Recall. Any or all members of the Commission may be removed from office by the recall as follows:

A petition must be submitted, signed by at least 500 electors, containing a statement in not more than two hundred words giving the ground of the recall: it shall be filed with the Auditor and he shall notify the Commission or Commissioners and each or any of them may file within five days thereafter a defensive statement not exceeding 500 words. The Auditor shall thereupon prepare printed or typewritten copies of such petition containing the signatures, to each of which he shall attach printed or typewritten copies of such defensive statement. He shall cause one copy to be placed on file in his office, and one in each of the several fire engine houses in the city. He shall give notice in some newspaper of general circulation in the city of the place of such petitions. They shall remain on file in the places designated for thirty days to receive signatures.

At the expiration of thirty days the Auditor shall gather up all the copies and shall examine and ascertain if they are signed by fifteen per cent of the voters.

If the Commissioner or Commissioners designated in the petition should resign within five days after receiving notice that the petitions are sufficiently

signed, the clerk shall at once notify the election authorities and the Commission shall proceed to fill the vacancy; otherwise the election shall be called within sixty days to determine the matter.

Recall Ballots. Ballots shall have question printed thereon as follows:

Shall (name of person) be removed from the office of City Commissioner by recall? Immediately following the question shall be printed the words, "For recall of ——— against the recall of ———." In case of recall the vacancy is filled by the Commissioners, except more than two Commissioners are sought to be recalled, in which case candidates to succeed them may be voted upon at the same time.

Circulating Petitions. No person shall employ or pay another or accept employment or payment to circulate a petition under the initiative or referendum.

Franchises. No grant shall be exclusive or for a period longer than twenty years, nor be renewed earlier than two years prior to its expiration except by

vote of at least four members declaring by ordinance its intention to consider a renewal. Grant shall not be leased, assigned or otherwise alienated except by consent of the Commission. All grants shall reserve to the city the right to purchase or lease the property of the utility at a price either fixed by the ordinance making the grant, or to be fixed in the manner provided in such ordinance. Nothing in such ordinance shall prevent the city from acquiring by condemnation.

Every person or corporation operating a public utility shall keep a suitable and complete book of accounts, and file annual reports with the Commission, giving gross revenue, profits, etc.

Revocable Permits. Permits for laying spur tracks or to connect steam or electric roads with switching facilities may be permitted by ordinance.

Hours of Labor. Eight hours a day shall constitute a day's work for all workmen engaged in public work on or aided by the city except for cases of extraordinary emergency.

THIRD ANNUAL CONFERENCE OF THE LEAGUE OF PACIFIC NORTHWEST MUNICIPALITIES

The Third Annual Conference of the League of Pacific Northwest Municipalities will be held in Seattle, Washington, on November 10th, 11th and 12th. The officers of the League are making great preparations to make this conference the greatest meeting of its kind ever held in the Pacific Northwest. Efforts will be made to have every incorporated municipality in the States of Oregon, Washington and Idaho represented. Some of the highest authorities in the United States on municipal government will be secured for the program. It will be a serious mistake for a city to neglect sending at least one representative to this conference. The value of city officials getting together and interchanging ideas and experiences is now recognized

by all the leading States of the Union. Several of them have already adopted statutes specially authorizing support to the Leagues and providing for the expense of sending delegates to the annual meetings. It is universally recognized that Leagues are of special benefit to the small municipalities, as they are not able financially to support the expensive departments usually found in the large cities. It is of especial importance, therefore, that the small cities and towns take advantage of membership in the League and attend the annual meetings, particularly in view of the fact that membership carries with it free subscription to the official publication, from which the town officials may keep posted on what the other municipalities are doing.

THE NEXT CONVENTION OF THE LEAGUE OF CALIFORNIA MUNICIPALITIES

The Seventeenth Annual Convention of the League of California Municipalities will be held at the Hotel Del Monte, Monterey, California, October 12th, 13th, 14th, 15th, 16th and 17th. In view of the fact that another meeting of the State Legislature will shortly follow this convention, special pains are being taken with the program by the officers of the League. Among the important matters coming up for consideration will be a proposed new franchise act to be submitted by a committee of city attorneys of which Senator W. J. Carr, City Attorney of South Pasadena, is chairman. Another important number proposed for the program will be entitled "New Legislation Desired for Municipalities." It has been suggested, also, that the matter of proposed constitutional amendments be given careful consideration.

The facilities for holding a convention at the Hotel Del Monte are almost ideal. The main meetings will be held in the large ballroom of the hotel, and there will be ample facilities for accommodating the department meetings. There will be an exhibit of municipal machinery and supplies, as usual, but no pure food show. It is expected that most of the delegates will put up at the hotel, as the management has made special terms for the occasion.

HOW SOME OF THE STATES REGARD LEAGUES OF MUNICIPALITIES.

Extract from the Code of Iowa (Chapter 30, 32nd General Assembly.)

Section 694a. Cities and towns, including cities under special charter, may by resolution appropriate money out of

the general fund to pay a membership fee and dues in the League of Iowa Municipalities not to exceed annually \$5.00 for each one thousand population or fraction thereof of such city or town or city under special charter, and to pay the actual expenses of not more than two delegates to the meetings of such League.

Extract from the laws of Kansas (Chapter 82, Law of 1913).

Any city of the first, second or third class, whether government by Mayor and Council, or under government by a Board of Commissioners, may by ordinance appropriate money out of the general fund to pay the annual dues in the League of Kansas Municipalities not to exceed annually \$5 per each one thousand and population or fraction thereof of such city of the first, second or third class, and to pay the actual expenses of not more than two delegates to the meetings of such League.

Extract from the Statutes of Nova Scotia (Chapter 52, Statutes of 1907).

Any city, town or municipality in the Province of Nova Scotia may become a member of the Union of Nova Scotia Municipalities and may pay thereto the annual subscription fee, and may also pay the expenses of any delegates to the meetings of such Union, or of the executive thereof, and any money so paid shall be included in the amount rated upon the inhabitants of the city, town or municipality making such payment, and collected therewith.

Extract from the laws of California (Section 862 of the Municipal Corporation Bill).

The Board of Trustees of said city shall have the power (sub-division 18) to expend such sum as the Board of Trustees shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year for music and promotion.

PUBLICITY OF CANDIDATES AND PURITY OF ELECTIONS

By WM. J. LOCKE

Editor's Note.—It was the day before election. A voter had called in two of his neighbors to assist him in making up his ticket. Spread out on the table before him was a sample ballot containing the names of the candidates; he was endeavoring to learn from his neighbors something of their qualifications and comparative merits.

His efforts were in vain. Not a particle of information could he secure regarding the ability of the respective candidates. Neighbor Jones said he was going to vote for A because a friend of his was promised a job in the event that A was elected, while neighbor Smith said that B was a member of his lodge and for that reason he felt under obligation to vote for him. They all agreed that C was perhaps the most popular candidate and therefore likely to be elected; he was well known among the "boys" and had the reputation for being a "good fellow." Of candidate D they knew very little. They agreed that E would probably get a big vote out of sympathy, as he was a poor man and needed the job.

Thus it went down the whole list of candidates. One was a "good fellow," another had a large family and needed the money, while another was favored because he belonged to Smith's lodge. No one thought of asking anything of their ability to fill the office; such a question would be both foolish and futile, as there was no possible way of finding that out.

For several weeks previous the town had been placarded from one end to the other with signs, banners and various other notices announcing the candidacy of the different office-seekers. The placards or notices were conspicuous for what they omitted to say, as they contained nothing more than the name of the candidate and the title of the office for which he was running; on several here and there was the additional announcement that the candidate was the present incumbent.

Not a word could be found which would give the voters the least idea of the candidates' qualifications. Many candidates had gone to great expense to advertise their candidacy. Some of the banners were made of satin, while others again were painted on skins of leather. Every saloon and vacant store in the city, besides every signboard, was utilized for their display and yet all the vast expenditure of money which was involved served absolutely no purpose whatever. Besides this, the law in the matter which imposes a limit to the expenses of the candidate was apparently ignored.

At the meeting of the League held two years ago in Santa Barbara the writer suggested a plan for the improvement of our system of elections so that candidates for public office would be required to advertise their candidacy in such a way that the voters might gather therefrom some reliable knowledge of their comparative qualifications to fill the office which they were seeking.

Under the plan it is proposed that each candidate be required to answer certain questions in writing and give certain information, under oath, which is thereafter published and from which the voter may get some idea of the fitness of the candidate to fill the office sought. Moreover, the plan also involves the proposition that a candidate shall be limited in his campaign expenses to the actual cost of publishing or otherwise properly disseminating the information, provided, however, a small additional expenditure shall be allowed for contributing to the cost of public meetings. The idea has been approved by several charter committees, including committees in Richmond and Alameda. The joint committee on a proposed new charter for the City of Alameda, composed of representatives from the various civic bodies and improvement clubs, has adopted the idea in the following form:

PROVISION SUGGESTED FOR THE NEW CHARTER OF ALAMEDA.

Publicity of Candidates and Purity of Elections.

Section 1. At least thirty days before the day of election each candidate for an elective office shall file a statement with the City Clerk relative to his or her education or experience, together with such other matters as will enable the voters to form an estimate of his or her qualifications for filling the office for which he or she is a candidate. Said statement shall be made under oath and subscribed by the candidate, and shall consist of answers and responses to the questions and directions contained in the form hereafter set forth. There shall also be accompanied with said statement a photo-engraving of the candidate of a size that will enable its use in a newspaper column two and one-quarter

inches wide. On filing said statement each candidate shall pay a fee of ten dollars to the City Clerk. Printed blanks upon which to make said statements shall be secured by the City Clerk and furnished all candidates upon application; said blanks shall be of the following form:

STATEMENT OF CANDIDATE.

1. What is your name?.....
2. What is your age?.....
3. Where were you born?.....
4. Are you married, single or widowed?.....
5. Where do you live?.....
6. How long have you lived in Alameda?.....
7. Do you own the place where you are now living?.....
8. Where did you last live before coming to Alameda?.....
9. Have you ever held any public office either as principal or deputy? If so, when, where and what office?.....
10. How and where were you educated? What school, college or university did you attend, if any, and for what period?.....
11. Have you ever had any special training or experience in the line of work which you would be called upon to perform in case of your election to the office for which you are a candidate? If so, when and where?.....
12. What is the nature of your occupation at the present time?.....
13. What different occupations have you followed during the past five years?.....
14. Are you a member or officer of any civic organization, such as Chamber of Commerce, Board of Trade or Improvement Club? If so, give the names of the organizations, the title of the office you hold, if any, and the length of time you have been a member?.....
15. Have you ever held any office or position of honor or trust in any social, political, fraternal or other organization? If so, what office did you hold and in what organizations?
16. Have you ever owned any stock or bonds in any public utility corporation supplying the City of Alameda? If so, when?.....
17. In not more than two hundred words tell what you consider the greatest needs of the City of Alameda.....
18. Give the names and addresses of not more than twenty persons who have some knowledge of your qualifications and from whom voters may obtain additional information regarding your ability and fitness to fill the office for which you are a candidate.....

County of Alameda, {
State of California. } ss.

....., being duly sworn, deposes and says: That he is the candidate above mentioned and as such that he made the replies and declarations set forth in the foregoing statement, and that all of said replies and declarations are true.

Subscribed and sworn to before me this.....day of.....19.....

Notary Public in and for the County of Alameda, State of California.

Section 2. The City Clerk shall cause all of the said statements which are filed not later than thirty days before the day of election as aforesaid to be printed and published for two weeks preceding the day of election in one or more daily or weekly newspapers published and circulated in said city. The statement of each respective candidate shall be preceded by his or her photo-engraving and shall be separated from those of the other candidates by a heavy black line. All of the said statements shall be printed together on the same page or pages of such newspaper or newspapers, and copies of the same, together with a copy of the sample ballot, shall be mailed by the City Clerk to each registered voter, postage prepaid, not later than two weeks before the day of election.

The City Clerk shall also cause to be conspicuously posted, at least one in each precinct and not less than one hundred in all, copies of all of the said statements printed together as aforesaid. The copies so posted shall be headed by the words "STATEMENTS OF CANDIDATES" in letters of not less than one inch in height. Said posting shall be completed at least two weeks before the day of election.

Section 3. In addition to the cost of the photo-engraving aforementioned and the filing fee of ten dollars as aforesaid, each candidate shall be allowed to expend a sum not to exceed the amount of fifty dollars for the purpose of advertising his or her candidacy; provided, however, that said sum or any portion thereof shall be used exclusively to defray the cost of holding public meetings and advertising the same. It shall be unlawful for any candidate to expend any money directly or indirectly to assist in securing his or her election in any other manner or for any other purposes than that herein specified, or to expend any money therefor in excess of the amount herein mentioned.

It shall be unlawful for any person, firm or corporation to print, publish or post any cards, signs or banners relating to a candidate for public office, unless the same shall contain on the lower margin thereof the name of the person, firm or corporation printing or publishing the same, together with the name of the party or parties who ordered the same and to whom the cost of the same is to be charged; provided, however, that this provision shall not apply to ballots or the candidates' statements aforementioned.

The City Council may, by ordinance, provide that all public meetings for the discussion of political or economic questions by candidates for elective offices and others shall be held in the public school buildings, as authorized by the act of the Legislature of the State of California entitled "An Act to provide for the free use of all public school houses and property and to establish a civic center at such and every public school house of the State of California, and to provide for the maintenance, conduct and management of the same," approved June 6, 1913.

Section 4. Within ten days after the day of an election every person who was a candidate for an elective office thereat shall file an affidavit with the City Clerk certifying to the amount he or she paid out for the cost of the photo-engraving hereinbefore mentioned and the amount expended for public meetings and advertising the same, together with the total expenses incurred as candidates. Said affidavit shall also contain a declaration that the candidate did not expend any money, directly or indirectly, to aid in securing his or her election, in any other manner or for any other purpose than that heretofore specified. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, punishable in such manner as the City Council, by ordinance, may hereafter provide.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Crematories, prohibiting (Cal.) A county ordinance prohibiting the establishment or maintenance in any one township of more than one crematory for human bodies, is invalid when applied to a cemetery association proposing to establish a crematory in a neighborhood where there are several cemeteries and few dwellings and no buildings devoted to business except that of burying the dead.—*Abbey Land and Improvement Co. v. San Mateo County*, 139 P. 1068.

Injunction (Cal.) The enforcement of an invalid municipal ordinance will be enjoined where the enforcement will cause substantial and irreparable injury to private property and there is no adequate remedy at law.—*Abbey Land and Improvement Co. v. San Mateo County*, 139 P. 1068.

Intoxicating liquors (Cal. App.) Where the saloon license fee was \$50 per quarter in advance, an ordinance raising the fee to \$1000 for a yearly license payable semi-annually in advance on the first of January and July, in effect August 1, is to be construed with the prior one, and requires payment quarterly in advance at the new rate until January 1, and thereafter a yearly license payable semi-annually.—*O'Malley v. Town of Sebastopol*, 139 P. 1082.

(Cal. App.) Under the Wyllie Local Option Law, paragraphs 15, 16, except possibly as to registered pharmacists, no one has a legal right to solicit or take orders for intoxicants from persons within no-license territory.—*Golden & Co. v. Justice's Court of Woodland Tp., Yolo County*, 140 P. 49.

Wyllie Local Option Law, paragraph 15, relative to soliciting orders in no-license territory, held violated by sending letter from point outside such territory to person therein soliciting an order.—*Id.*

Navigable waters (Cal.) In view of the State's sovereignty ownership of part of the bed of the ocean and of the limited dominion thereover vested in the Legislature by Const., article 15, paragraph 3, held that a lease thereof by municipalities after an attempted annexation was void.—*Wheatley v. Consolidated Lumber Co.*, 139 P. 1057.

Statutes (Cal. App.) Grammatical construction of statute, leading to result contrary to purpose or object held to be rejected, and one adopted which will effectuate the object designed to be accomplished.—*Golden & Co. v. Justice's Court of Woodland Tp., Yolo County*, 140 P. 49.

(Or.) The construction by the court of last resort of another State of a statute of that State afterwards adopted by his State governs its construction in this State.—*Hoskins v. Dwight*, 139 P. 922.

Surety Companies (Cal. App.) Surety companies acting as surety on undertakings, as authorized by Code Civ. Proc., paragraph 1056, held required to justify the same as individuals.—*Keefe v. Superior Court in and for Los Angeles County*, 139 P. 899.

Trees on streets (Okl.) An abutting owner has such an equitable easement in trees grown by him on a street the fee to which is in the city as entitles him to sue for wrongful injury thereto depreciating the value of his lot.—*Norman Milling and Grain Co. v. Bethurem*, 139 P. 830.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

- Oil tanks**, granting permission to construct and maintain. Montague, 388c.
- Dogs**, regulating the keeping of and requiring muzzles for. Hollister, 388d.
- Business licenses on peddlers**, amending. Antioch, 388e.
- Residence and industrial districts**, defining. Redondo Beach, 388f.
- Dairies and sale of milk**, regulating. Palo Alto, 389a.
- Gas**, prescribing regulations for the pressure, quality and distribution of Santa Ana, 389d.
- Stables**, regulating the care of. Redondo Beach, 389f.
- Electric distributing system**, granting a franchise to construct and maintain. San Bernardino County, 390a.
- Traffic**, regulating on highways. Orange County, 390b.
- Numbering houses**, providing for. Huntington Beach, 390c.
- Traffic**, regulating on streets. Orange, 390d.
- Milk**, relating to the inspection and sale of. Coeur d'Alene, 391a.
- Rubbish in storm water ditches**, prohibiting the throwing of. Whittier, 391b.
- Dogs**, requiring muzzles and authorizing the killing of dogs running at large. San Leandro, 391c.
- Building inspector**, creating the office of and prescribing the duties. Whittier, 391d.
- Free public library**, establishing. Eagle Rock, 391e.
- Plants, shrubs and flowers in parks or parking places**, prohibiting the destruction or interference with. Coeur d'Alene, Idaho, 391f.
- Dogs**, requiring them to be muzzled. Coronado, 392a.
- Roadways and sidewalks**, regulating the digging up, refilling and repair. South San Francisco, 392c.
- Purchasing agent**, authorizing City Clerk to act as. Burlingame, 393a.
- Plumbing and drainage of buildings**, regulating. Hoquiam, Wash., 393b.
- Roadway or sidewalk**, prohibiting the preparation of mortar on. Oakland, 393c.
- Municipal water works**, adopting rules and regulations governing the sale and distribution of water. Centralia, 394a.
- Inspection of buildings by fire chief**, requiring. Idaho Falls, 394b.
- Weeds from sidewalks and vacant lots**, providing for the removal of and for the assessment and collection of weed taxes. Coronado, 394c.
- License on vehicles**, providing for. Oakland, 394d.
- Electric railway**, granting franchise for. San Diego, 395b.

∴ What Our Pacific Coast Cities Are Doing ∴

Alameda received bids May 19 for furnishing and installing pipe line and hydrants for fire protection on Webster street.

Albany (Cal.) has passed resolution of intention for improving Buchanan street by constructing redwood curbs, concrete gutters and oil macadam pavement; also construction of corrugated iron and concrete culverts and the construction of cement sidewalks along a number of streets.

Albany (Ore.) citizens are agitating good roads movement for purpose of bond issue for Linn County to build hard surface roads to connect main streets of the county.

Anacortes (Wash.) Chamber of Commerce has received report from Civil Engineer G. V. Elder that the project to bring water from south fork of Nooksack across divide to supply towns of Skagit Valley is feasible. It would be necessary to build a dam 50 feet high and a tunnel between 2000 and 3000 feet through divide.

Ashland (Ore.)—The Chamber of Commerce has decided to ask city to vote \$175,000 bonds to pipe water from mineral springs to the city, placing drinking pavilions and improving city park.

Auburn will hold an election June 10 to vote \$47,000 bonds for the erection of a new school house.

Boise (Idaho) has awarded contract for motor combination chemical and hose wagon at \$5,875.

Calxico has awarded contract for improving a number of streets in southern district, including 1,287,981 feet of grading, 37,267 lineal feet of cement curb, 177,754 square feet of sidewalk and 19,720 feet of crosswalks, at \$75,981.

Chico received bids May 26 for the construction of an auxiliary sanitary sewer system on the Chico and Sacramento River road. Bids will be received on June 1 for supplying school supplies and blackboards in the Chico School District for the year 1914-1915. Treasury Department will receive bids June 9 for the erection of a new Federal building.

Coronado has passed resolution of intention for the paving, sidewalking, curbing, construction of end walls, culverts, etc., upon a number of streets.

Covina received bids May 18 for furnishing and installing 90 pressed steel and copper light posts, together with wires, conduits, globes, etc.

Eagle Rock has passed resolution of intention for the improvement of streets in Kelsey Tract.

Everett (Wash.) has awarded contract to Atlas Construction Co. at \$135,000 for construction of extension of sewer system.

Fairfield—State Highway Commission received bids May 25 for building highway between Fairfield and Vacaville. Amijo Union School District will receive bids June 4 for electrical fixtures.

Fort Jones is contemplating the purchase of a sprinkling cart.

Hillsboro (Ore.) is having some of the unpaved streets graded and rolled with a steam roller preparatory to trying oil on them.

Lindsay will receive bids June 1 for paving, construction of cement sidewalks and the construction of corrugated culverts on a number of streets.

Los Angeles is considering installation of an elaborate fire-alarm and police-telegraph system.

Madera may hold bond election for auto truck to cost \$6,000, and city hall to cost \$15,000, bridges \$8,000, water extensions \$20,000 and sewer extensions to cost \$25,000.

Manton citizens are in favor of constructing permanent road to Red Bluff.

Marysville—Co-operation of supervisors of Yuba and Nevada counties has been asked in order that Nevada City-Marysville lateral may be built in connection with the State Highway.

Oakland has adopted plans and specifications for improvement of Nineteenth avenue, between East Fourteenth street and Foothill Boulevard. Bids were received on May 14 for furnishing furniture of special design for the council chambers, mayor's office and commissioners' office in the city hall.

Orange received bids May 18 for printing the delinquent tax list.

Oregon City (Ore.)—Six thousand dollars has been appropriated for making final survey and preparing plans for 26-mile pipe line from south fork of Clackamas river. This line will have a capacity of 3,000,000 gallons in twenty-four hours and will be of wood-pipe construction.

Orland—Bids have been received and opened for building structures for East Fork feed canal, near Stonyford in Colusa county. Work includes about 6,000 cubic yards of excavation, 4,000 cubic yards of concrete, placing of about 49,300 pounds of reinforced steel and 14,150 pounds of metal work and gate fixtures and placing in structures of about 30,500 feet of lumber. Bids will be forwarded to Washington, where selection will be made.

Oroville trustees have adopted plans and specifications for putting down 16 blocks of bitulithic pavement.

Pacific Grove received bids May 12 for a 600-gallon capacity steel or wooden tank street sprinkling wagon.

Palo Alto has voted \$25,000 for revolving street fund.

Placerville—Highway between this place and Folsom will be constructed by day labor under supervision of the Commission.

Pleasanton received bids May 25 for sprinkling wagon.

Pomona has instructed city engineer to prepare resolutions for work to be done on North and South Garey avenues, Lordsburg road and San Antonio avenue. Resolution of intention has been passed for paving West Second street and East Holt avenue; also for the paving of other streets.

Portland received bids May 28 for furnishing playground apparatus and material for use in the Park Bureau. Bids were received on May 23 for two motor vehicles of not less than 1,500 pounds and 750 pounds capacity. Improvement of Foster road is under consideration, as about 30 per cent of the property owners have signed for the work. Work will include removal of car tracks from 35-foot right-of-way to center of 95-foot street, laying of sidewalks and hard-surfacing portion of street. Estimated cost is about \$81,000. According to statistics compiled by the City Auditor, municipal improvements in Portland during the last five years have cost \$114,888,852. This sum included street and sewer improvements, water mains, reservoirs, submerged and other improvements to the municipal water system; bridges over Willamette and across gulches, etc. Portland's mayor has requested that an Advisory Board of citizens be authorized by the council to assist the Fire Bureau to enforce fire regulations, and provide for the elimination of hazardous conditions.

Redding Chamber of Commerce is in favor of movement to secure construction of road to Fall River Valley.

Redondo Beach received bids May 18 for ornamental lighting posts, exclusive of globes and electrical equipment.

Redwood City received bids May 18 for cast-iron pipe and specials; also ten San Francisco fire hydrants.

Richmond received bids May 18 for construction of a portion of the Highway known as Ashland avenue.

Sacramento received bids May 22 for electric motors for the Manual Arts department of the Sacramento High school. Bids will be received at the State Capitol June 10 for furnishing paper and supplies for the California State printing office for the fiscal year beginning July 1, 1914, ending June 30, 1915. Bids were received May 21 for paving portion of Sixth street with asphaltic

pavement; also for paving portion of First avenue with asphaltic pavement. Bids will be received July 1 for furnishing stationery and office supplies for use in the capitol building during fiscal year July 1, 1914, to June 30, 1915. Plans will shortly be prepared for municipal electric light distributing plant.

San Bernardino received bids May 18 for one auto truck. Bids were received on same date for constructing highway known as the Crest Road, from Pine Crest to Fann Skin Valley.

San Diego's Finance Department will be authorized to place an order for 8,400 feet of pine.

San Leandro Board of Trustees have adopted resolution to construct sewer on Peralta avenue and outlet both for this avenue and the San Antonio Tract.

San Mateo School District received bids May 21 for installing a heating system in the Homestead School District. Bids were received on May 28 for construction of 2.311 miles of highway on what is known as Belmont to Crystal Springs road.

Seattle has approved plans for paving California, Forty-second avenue and Ewing street. Plans have been approved for sewer in Seventh avenue North.

South Pasadena will adopt uniform system of ornamental electroliers throughout the city.

Sebastopol is talking of an election for a grammar school. Bids will be received June 1 for sanitary automatic street and flushing sprinkling machine.

St. Helens (Ore.) will receive bids June 1 for construction of a sewerage system.

Stockton—Plans are about ready for a new outlet sewer for the southern section of the city. United States engineers are contemplating construction of a bridge over Middle river and one over Old river.

Susanville is contemplating a bond issue to acquire the water works now owned by a private concern.

Tacoma wants bids for a cold-storage plant in new municipal dock annex; estimated cost about \$19,000.

Vallejo may extend its water pipes along the Sulphur Springs road to the city limits if the people who desire service will pay for the extension.

Winters trustees are considering erection for a two-story city hall to cost \$10,000.

CALIFORNIA COUNTIES.

Alameda County—State Highway bonds amounting to \$202,133.33 have been disposed of, and State will spend entire amount of bonds purchased on the improvement of highways within the county and will keep them up without any further expense on the part of the county.

Butte County—Rio Bonito School District has voted \$6,000 for the erection of a new school building.

Contra Costa County received bids May 18 for furnishing labor and material for the erection and completion of a brick and concrete addition to the county hospital building in the town of Martinez.

El Dorado County will receive bids June 3 for the construction of bridge over Weber creek on the State Highway.

Humboldt County supervisors received bids May 12 for construction of 5¼ miles of wagon road on south side of Mattole river between Hunter Ford and Roscoe Ford in Road District No. 1.

Madera County supervisors will receive bids June 2 for the construction of several bridges.

Marin County supervisors may authorize building of road on northeasterly side of Bolinas Bay between Willow Camp and Wilkins Place.

Napa County's grand jury is in favor of constructing a \$25,000 Hall of Records. Supervisors are discussing building of stone bridge across Napa creek on the Oakville road in Road District No. 5.

Plumas County supervisors have decided to improve the Plumas-Reno road from Beckwith to the State line at cost of about \$7,000.

San Bernardino County is contemplating campaign for \$1,750,000 for good roads.

San Luis Obispo supervisors may repair steel bridge at Arroyo Grande. Order was made to issue call for bids for the construction of four bridges in different parts of the county at cost of about \$60,000.

San Mateo County supervisors have instructed clerk to advertise for bids for the building of the Colma-Montara road. Bids were received May 25 for the construction of 0.374 miles of highway on what is known as Colma and Halfmoon Bay road.

Santa Clara County received bids May 11 for the improvement of 19,286.2 lineal feet of Senter road in Road District No. 2.

Santa Cruz County received bids May 26 for the construction of a combination concrete steel and timber bridge over San Lorenzo river.

Solano and Yolo Counties may build a \$50,000 bridge over Putah creek.

Tehama County will receive bids June 2 for the construction of a court house in Red Bluff; bids will also be received on same date for the construction of a county jail building.

EUREKA FIRE HOSE



The mechanical construction of Eureka Fire Hose is scientifically correct. It consists of four separate and distinct plies woven in a circular seamless form, not flat, which possesses one solid body, making it absolutely reliable. Should the outer ply get injured, it could not unravel, owing to its unique construction. Each ply is a distinct hose in itself.

The rubber lining is without a peer, as it is constructed of four separate calendered sheets of rubber so vulcanized together that they form a single sheet, making it capable of resisting high pressure, and allow for a free flow of water without friction.

Eureka Fire Hose Mfg. Co., New York

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SAN FRANCISCO, CALIF.

Hetch-Hetchy Water.

That cities across the bay will be obliged to issue an excessive amount of bonds to derive a supply of water through the San Francisco Hetch-Hetchy system is the contention of opponents of the metropolitan water district proposition, according to a letter received by San Francisco's city engineer from the Alameda Improvement Club. Engineer O'Shaughnessy has compiled information as to the probable cost to the bay cities. He states that while no definite estimates have been made, it will cost between \$20,000,000 and \$30,000,000 to bring water as far as Irvington, where the transbay branch will come north. This sum will be proportioned according to the quantity of water taken by the different districts. Engineer O'Shaughnessy cites the case of Los Angeles, where water was brought 260 miles at a cost of but 10 cents per thousand gallons. Hetch-Hetchy, he says, is but 150 miles away, and San Francisco and the bay cities, having four times the wealth and experience of the southern city, should have no difficulty in solving the problem.

Alameda Plant Profitable.

The electricity commission has submitted to the City Council its estimate for the ensuing year. The council does not have to raise money by taxation for the municipal plant, as it is self-supporting and pays a profit to the city besides having a balance on hand. It is estimated that receipts for the ensuing year will amount to \$176,300, which includes \$25,000 for city lighting. The estimated expenses for the coming fiscal year are \$112,431.25.

The Advantage of Branch Leagues.

The organization of a branch of the League of California Municipalities by the cities and towns adjacent to San Francisco Bay suggests the advisability of more of such organizations in other places throughout the State where a

large number of municipalities are located in close proximity to one another. It would undoubtedly be an advantage for instance, to have a branch organization for the cities lying in the vicinity of Los Angeles, another might be organized for the municipalities of the San Joaquin Valley and perhaps another for the vicinity of Sacramento. A number of cities lying close together have many things in common. It would be a great advantage for instance, to have uniform or similar building laws, health laws and laws regulating motor vehicle traffic. Besides this, there is much to be learned from association with one another, and there is no question as to the benefits of getting together every month or two around the festive board. The leaders of the bay organization do not plan to observe too much formality in conducting the meetings. There are no hard and fast rules to govern the organization. It was decided to hold a meeting every month. One or two members are selected to read papers and later it is planned to submit and discuss a number of model ordinances. The city engineers branch of the organization will work along the same lines and follow the same general plan.

One of the chief benefits to be derived from organization lies in the fact that it will enable the cities to act more in concert in regard to matters of legislation. However, the general advantages of organization are too well known to require argument.

Chlorine Decreases Typhoid in Milwaukee.

Milwaukee, Wis.—Health Commissioner Ruhland in a survey of typhoid in American cities places Milwaukee third on the list of eight cities of 300,000 to 500,000 in reducing the typhoid death rate. From a death rate of 27.0 from 1906 to 1910, Milwaukee reduced the rate to 11.2. Dr. Ruhland said that the cause for this decrease here was undoubtedly the chlorination of the water supply—although the supply is still being contaminated by raw sewage in the lake.

QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Removing Trustee for Absence.

Q. Trustees have granted a leave of absence to one of its members for sixty days, which time expired March 3, 1914. On this date and without any request for an extension on the part of the absent member, the Board granted an additional ninety days' leave of absence. On April 18, at an adjourned meeting, the old Board of Trustees rescinded their action in extending said leave of absence, declared the office vacant and appointed an individual to fill the vacancy.

Section 854 of the Municipal Corporation Bill would seem to grant a member of the Board of Trustees the right to be absent from the city for a period of ninety days without permission of the Board and to be absent longer than said period of ninety days with the permission of said Board. Our present City Attorney construes this to mean that this only applies where said member is absent from the city but within the State, and supports this contention by referring to Section 853 of the Political Code and likewise contends that Subdivision 6 of Section 996 of the Political Code must be construed in view of said Section 853.

As this matter is of considerable interest, I will appreciate it if you will give me your written opinion upon same.

ANS. In my opinion the Board of Trustees did not have the right to rescind its action permitting him to remain away longer. The fact that he did not request the permission is not significant. He made it manifest that he was anxious to retain the office, as he asked for permission in the first instance, something which he is not required to do under the law.

The courts have always looked with disfavor on attempts to deprive any elective officer from his office without a clear

and manifest right to do so. A man elected to office has a property right to that office and every presumption will be resolved in his favor.

Since receiving your inquiry I had a visit from Mr. C. N. Kirkbride, City Attorney of San Mateo, who is regarded as one of the best authorities on municipal corporation law in the State. I have also discussed the matter with Mr. Mason, Mr. J. H. Morris, City Attorney of Daly City, and Mr. Con. H. Goldberg, City Attorney of Willits. They are all agreed in this opinion.

Consolidating Justice and Recorder.

Q. Can the Board of Trustees of the Town of Bishop arrange, legally, with the Justice of Peace, *who is not a resident of the town*, though maintains office as Justice of the Judicial District within the town, to attend to the duties of Town Recorder on a fee basis or a stated monthly salary? If there is any law, please not only refer us to same, but answer us fully and plainly the question above asked.

ANS. In our opinion the Board of Trustees of the Town of Bishop may appoint to the office of Recorder a person who also holds the office of Justice of the Peace and who is not a resident of the town. The law says (Sec. 851 of the Municipal Corporation Bill) that the Board of Trustees must appoint a Recorder, among other officers. Section 857 of the Municipal Corporation Bill provides that no person shall hold an *elective office* unless he be a resident elector therein, etc. This is not necessary in regard to appointive offices, however, and it is the general practice throughout the State for the Board of

Trustees to select their appointive officers without regard to residence. There is nothing in the law that we know of which would prevent a Justice of the Peace serving and accepting the office of Town Recorder. It is not lawful, however, for the Board of Trustees to provide that the Recorder shall receive compensation on the fee basis. You may establish a scale of fees, but the Recorder cannot receive such fees to his own use. Therefore, you will have to pay him for his services on the salary basis. We base our opinion on this matter of fees on the provisions of a constitutional amendment to Article VI, Section 15, which was approved October 10, 1911, and states in express terms that no judicial officer shall receive any fees for his own use.

Cost of Highways Through Cities.

Q. Kindly refer to my letter to you under date of April 10, and your reply thereto

dated April 13, regarding construction of county highway. Perhaps we did not make ourselves clear, as your reply does not seem to answer what we want to know. You say that it is not mandatory for our town to construct this portion of the county highway through the town; is it not mandatory for the county to do this? This would seem reasonable as long as we are assessed and taxed to take care of the road bonds the same as the outside district. If we had to construct this part of the highway at the town's expense, it would seem that we were being doubly taxed for the purpose. Can you make this clear, and oblige?

ANS. In reply to your inquiry of May 20 regarding the construction of a county highway through your town, would repeat that the county is not obliged to construct that portion of the highway running through the municipality or pay the expense thereof out of the county funds.

The legislature of 1913 passed an act, however (see Chapter 231, page 386, of

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the Statutes of 1913), authorizing the county to pay the expense out of the county funds after the town had passed an ordinance authorizing the use of the particular street or highway in question for county or State highway purposes. It is true that this does not seem altogether reasonable, but the facts are as we first stated; that is, the county is not obliged to do the work and pay for it. However, this is the law, and we do not know that we can make it any clearer. The facts are simply this: that the town may (it don't have to) pass an ordinance declaring that Main street, for instance, may be used as a part of the county highway system. After the town has passed such an ordinance the county may at any time thereafter do the work of improvement and pay the cost of the same out of the county funds, but the county is not obliged to do it, however.

Business Licenses—Barbers.

Q. I would like a little information regarding municipal licenses if you have the same at hand. First: Can a municipality of the sixth class license for revenue? It is given that power in the Municipal Incorporation Act, but Section 3366, Political Code, repealed that by implication. *Curtin vs. Senora*, 137 Cal. However, act of 1883 was re-enacted in 1909, giving cities of sixth class power to impose license for revenue. Second: Can barbers be licensed?

ANS. In reply to your inquiry of May 25, would say:

First—A municipality may impose license taxes for revenue. The matter is understood by city attorneys as being settled.

Second—License taxes may be imposed on barbers; in fact, they are licensed in some municipalities in this State.

LIST OF RESPONSIBLE FIRMS TO BE CALLED ON TO BID FOR PUBLIC WORK OR SUPPLIES

Write for Catalogs. Mention Pacific Municipalities When Writing

This list is arranged as a guide for the accommodation of city officials where advertising for bids is not necessary.

Accountant

William Dolge, C.P.A., 311 California St., S. F.

Asphalt Machinery

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.

Steiger Terra Cotta & Pottery W'ks, 729 Mills Bldg., S. F.

N. Clark & Sons, 112-116 Natoma St., S. F.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Brick—Paving

California Brick Co., Phelan Bldg., S. F.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.

Buick Cars

Howard Auto Co., S. F.

Concrete Mixers

A. F. George Co., Los Angeles.

Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

A. L. Young Machinery Co., S. F.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.

American Engineering Corporation, 57 Post St., S. F.

S. J. Van Ornum, 960 Pacific Bldg., S. F.

Conduits

Pierson, Roeding & Co., S. F., L. A., Portland, Seattle.

Curb—Curb Armor

Pacific Building Materials Co., 523 Market St., S. F.

Curb Bar

Amer. Steel Bar Manufacturing Co., Merchants Exchange Bldg., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.

Standard Corrugated Pipe Co., S.F. & L.A.

U. S. Pipe Co., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Dump Carts and Wagons

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Graves-Spears Road Mach'y Co., Monadnock Bldg., S. F.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.

Fire Extinguishers

Pacific Fire Extinguisher Co., 507 Montgomery St., S. F.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.

Eureka Fire Hose Mfg. Co., 54-58 Fremont St., S. F.

Bowers Rubber Works, San Francisco.

American Rubber Mfg. Co., 408-410 Mission St., S. F.

Fire Hydrants

M. Greenberg's Sons, 225-227 Beale St., S. F.

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Flushers—Street

A. L. Young Machinery Co., S. F.

Flush Tanks

Gladding, McBean & Co., Crocker Bldg., S. F.

Pacific Flush Tank Company, Chicago, New York.

Imhoff Tanks

Pacific Flush Tank Company, Chicago, New York.

Inspections and Tests

Robt. W. Hunt & Co., 418 Montgy. St., S. F.

Smith, Emery & Co., 651 Howard St., S. F.

Municipal Accountant

William Dolge, C. P. A., 311 California St., S. F.

Municipal Engineers

American Engineering Corporation, Mechanics Institute Bldg., S. F.

Sloan & Robson, Nevada Bank Bldg., S. F.

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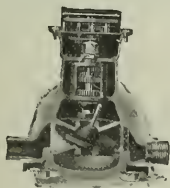
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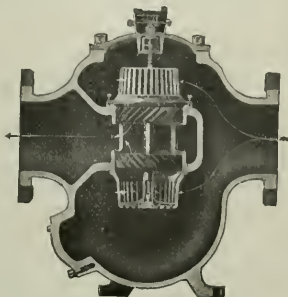
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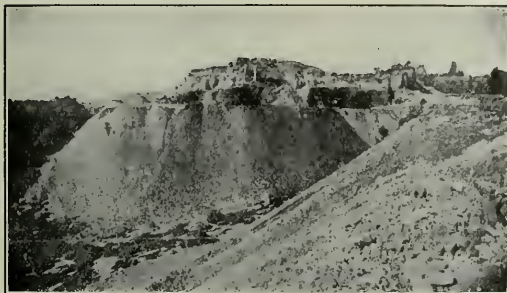
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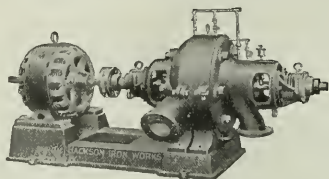
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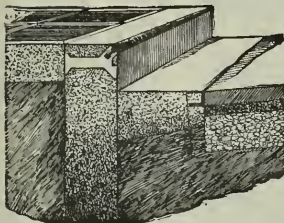
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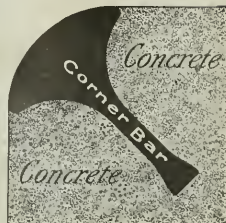
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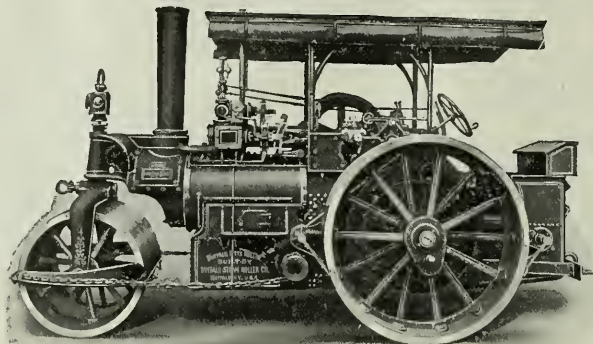
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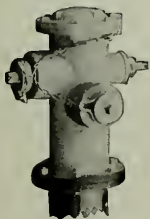
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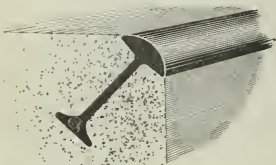
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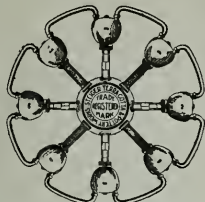
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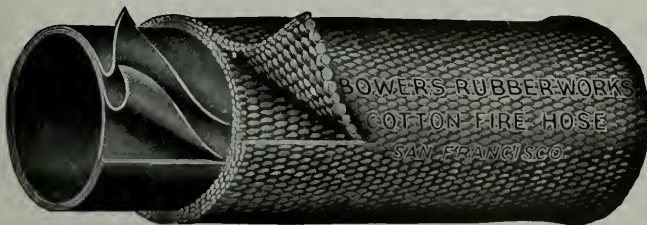
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A COMMENTARY ON COMMISSION GOVERNMENT

By the Civic Government League of Edmonton, Canada

Elective Commission Form of Civic Government spread from Galveston, Texas, where it was inaugurated at the time of a crisis in that city's affairs caused by the storm of 1900. Although Galveston is commonly spoken of as having originated Elective Commission Government, the system, in fact, is a heritage from England, and its principles are wholly British. The charter granted by King John to the city of Northampton in the year of 1200 is quoted as authority for this statement. The excerpt is as follows:

"We decree also that in the said burg of Northampton there shall be elected, by common choice of the burghers, four of the more learned and discreet (*legalioribus et discretioribus*) citizens, who shall care for the

revenues of the Crown and other matters which to us and our Crown in that burgh pertain, and who shall see to it that the citizens of the said burgh, both rich and poor, shall act justly and according to law."

Many other English charters can be found substantially in this same form. During the last ten years this original form of English city government has been rediscovered in America, and cities adopting Elective Commission Form of Government are "progressing backwards" toward it. Early American cities followed this English principle of government, but departed from it materially during the period of Jacksonian democracy in the eighteen thirties. They are now eliminating foreign growth engrafted upon these British in-

stitutions and returning to the healthy and simple principles of city government fundamental in English law.

The cause of this spread of Elective Commission Form of Government is the public demand for higher standard of efficiency in public service. The old assumption that municipal government is inherently inefficient is challenged. Impatience with the handicaps imposed by inadequate government is energizing effort to put municipal administration upon an efficiency basis. The same efficiency in public service as is found in private business is demanded by the people in cities all over the Continent.

The objectives of this higher standard of efficiency are not merely economical and honest performance of routine functions. Included in this higher standard of service demanded is the provision for those things which are for the community welfare. As has been aptly paraphrased, "man shall not live by water and asphalt alone."

When Galveston, Texas, was practically wiped out by flood in 1900, so much progressive and constructive work was demanded of the city government that the old system of a board of aldermen broke down. A group of business men petitioned the State government to suspend the local government and replace it temporarily with a commission of five men. This was done, and the whole city was put under the control of five men, three of whom were appointees of the governor. This was where the term "commission" originated, and the name, for want of a better description, has stuck to it ever since.

The commission planned and built a sea wall to protect the city from further floods, raised the ground level of a large part of the town, got the city government running again at one-third less annual cost, made a number of important improvements, and at the same time reduced the debt and the tax rate. After two years the commission was made entirely elective by popular vote.

Galveston's claim that it was the best governed city in the United States made Houston jealous, and after a few

years this city petitioned for a similar government and was granted it. Dallas, Denison, Austin and almost all the principal neighboring cities in Texas followed suit.

A few years after Galveston first began to attract attention some civic workers in Des Moines began to study the subject of popular government in fundamental fashion. They devised what has since become known as the "Des Moines" plan, which is simply the commission form of government, with the addition of the **Initiative, Referendum, Recall** and a **Non-Partisan Primary**.

The publicity attendant upon the installation of the new government in Des Moines gave the movement new stimulus throughout the country. Colorado Springs and other cities made a few alterations in the Des Moines plan, such as having the members of the commission elected for terms arranged to expire in rotation, and forbidding party nominations. Grand Junction, Colorado, added the **Preferential Ballot**, whereby the voter indicates on the ballot first, second and third choice. The preferential ballot makes a primary election needless and thus saves expense.

It is no easy matter to prove conclusively and in true scientific fashion that one city is better governed than another. Nevertheless, despite the difficulty of making comparisons, there is nothing more certain than the fact that whether the Commission Form of Government is the ideal form or not, it is better than the forms of government which preceded it in the various cities.

Never in municipal history has any phenomenon of this nature been examined with such minuteness, or by so many investigators. In Galveston, Dallas and Des Moines it has been necessary to publish pamphlets as an answer to inquiries. The officials of commission governed cities have been bombarded with questions by mail to such an extent that it has frequently been impossible for them to answer the correspondence. Delegation after delegation has visited these cities and has made the rounds of city offices, news-

paper rooms, and civic organizations, as well as interviewed business men, to ascertain the truth. Many of these delegations were predisposed against the new plan, and were intent on finding flaws in it that would justify their taking home a hostile report. Magazine writers have made exhaustive inquiries, and such organizations as the National Municipal League have kept watch very carefully. While the Boston finance commission was planning the new Boston charter, President Eliot of Harvard University, made a tour of the commission governed cities, and returned to Boston so enthusiastic that he was able to win over that town to an acceptance of some of the fundamental features of the plan. Another elaborate inquiry was made by a committee of the State legislature of Illinois, from which everybody expected a hostile report. The committee, however, reported strongly in favor of the plan, stating that everywhere they found it had won the approval of the people who lived under it.

Unquestionably the plan is popular wherever tried and spreads with most rapidity among the nearby cities which have the best opportunity for intimate observation of its operation.

Individual conditions characterize different cities. Hence, any system of government must be adjusted to fit local conditions, just as a suit of clothes must be cut to fit the person. The Elective Commission Government plan presented below, purposes to show the principles without attempting to work out minor details. Should Edmonton decide to adopt the principles of this "Business Plan" of civic government, the next step would be to have appointed a competent and a widely representative committee to draft an Elective Commission Government Charter to fit Edmonton. Such a document would not be voluminous. Des Moines' charter contains but 23 small pamphlet pages, easily read at one sitting and fully understood without the interpretation of a barrister. Therefore, in order to present a concrete form of Elec-

tive Commission Government, we suggest the following:

The people elect at large five men to be known as City Commissioners. These five Commissioners choose a chairman from their number. The chairman of the board is Mayor. The chairman's voting power is no greater and no less than that of any other Commissioner.

By charter provision, the field of civic activities is divided into departments. The system applicable to Edmonton would provide for five, as follows: (1) Parks and Promotion, (2) Finance, (3) Public Works, (4) Operation and Maintenance, (5) Public Safety.

Having chosen a chairman the Commission Board allots the respective departments among themselves. Each Commissioner is made manager of his department, and is held directly responsible to the people for the proper conduct of the department allotted to him. He has absolute authority to appoint his superintendents of departments and to dismiss them.

Once a week, or at such times as is required, the Commission Board sits as a Commission Council, or legislative body, and enacts such bylaws and legislation as may be necessary.

The Commissioners are elected for a period of four years, an election being held every two years, when two, or three, as may be required, are chosen.

The essential feature of the most approved Commission plan of government is the safeguards, which are:

The Initiative, whereby the voters may, by petition representing 10 per cent. of the votes cast at the last municipal election, demand a popular vote within 30 days on any measure which the Commission Board refuses to pass.

The Referendum, whereby the voters may, by petition representing 15 per cent. of the votes cast at the last municipal election, demand a popular vote within 30 days on any measure already adopted by the Commission Board.

The Recall, whereby the voters may, by petition representing 25 per cent. of the votes cast at the last municipal election, demand a special election to re-

move an unsatisfactory Commissioner.

It is the intention of the Civic Government League to have a plebiscite taken on the question of Elective Commission Government for this city. Should the people decide to take this progressive stride at this time, the next step would be to have appointed a representative committee to prepare a charter embodying all of the most approved principles of the Elective Commission plan. The charter should be given the fullest public consideration before application is made to the provincial legislature for its enactment.

Many explanations have been offered for the success of the Elective Commission Form of Civic Government. Many of them are only half true because they involve a study only of the internal mechanisms of the government, whereas the real difference between the old and the new comes at the point of contact between the government and the people. A chief cause for the success of the plan lies in the taking of the government power from obscurities and placing it upon a pinnacle, where all citizens can watch it. It puts the power where the people can see it. All eyes are focused upon public affairs, which develops an increased interest of the people in the city government. The acts of the commission are the topic of conversation for the street car and the business men's luncheon. Criticism is plentiful and, better yet, knowledge of the fact is widespread. The people of the city oversee the government.

The force of public opinion has been repeatedly shown in the commission governed cities. Few men, good or bad, would have the strength to resist popular demand when it is so intensely concentrated upon them. Each commissioner knows his responsibility for what is done, and knows that everybody else in town knows it too. Politicians of the average sort have been elected to office in some commission governed cities, but their conspicuous responsibility has brought about a remarkable responsiveness to the opinion of the people.

Elective Commission Municipal Gov-

ernment has demanded more thought and serious study from the brainiest men of this generation than has any other one subject. Volumes have been written in learned discussion of this plan whereby business principles are applied to public business.

ECHOES FROM COMMISSION CITIES.

Proof of the pudding is in the eating thereof. We have made wide inquiries of newspaper editors, secretaries and presidents of Boards of Trade, City Clerks, Mayors and Commissioners, asking for an expression of their experience with Elective Commission Government. The volume of the testimony received is so great that only very brief excerpts from letters can be presented in this article. Any citizen desirous of investigating more fully will be afforded the privilege by calling at the office of the League, where we have on file a thousand letters on this subject.

St. John, N. B.; Pop. 80,000; A. M. Belding. "Evening Times."—"The first election under Commission Plan resulted in the choice of five good men, and it is believed that it will not be difficult to keep up the standard. When the plebiscite was taken the people voted for the plan by a vote of three to one. So far, it has given satisfaction. The city was previously governed by a mayor and seventeen aldermen who gave only a portion of their time to civic affairs. There was constant complaint of poor and wasteful administration. Not a single department under the old system was conducted in a way to give general satisfaction. The people would not, for a moment, think of going back to the old system."

Jersey City, N. J.; Pop. 300,000; Joseph A. Dear, Editor "Jersey Journal."—"Jersey City adopted Commission Government last June. It is now possible for citizens to go directly to headquarters when they desire information or have complaints to make. The work of the city is being more expeditiously carried on than heretofore, and there is on the part of all public officials a greater desire to render real service. The attention of the officials is centered on giving the taxpayers a dollar's worth of work for every dollar expended. Those of us who have been watching the progress of public affairs here cannot help noting the real improvement that has taken place. I am, myself, entirely satisfied with the change. So far the recall has not been used by any city in New Jersey."

Denver, Colo.; Pop. 213,381; Otto F. Thum, Commissioner of Property, ex-officio Clerk of the City and County of Denver.—"This is probably the only city and county government in the country acting under the Commission Form. While the plan has only been in operation for a few months and has been handicapped by legal obstructions and a financial budget designed for the old form, and which cannot be changed until the beginning of the new fiscal year, January 1, 1914. However, the change is working out very satisfactory, and seems to be giving general satisfaction to the citizens."

Portland, Oregon; Pop. 207,214; C. C. Chagman, Manager Oregon Development League—"Commission Government has won the enthusiasm of conservative Portland. As applied to our municipality it has proven so far an unqualified success. We are singularly fortunate in that we elected to office capable, honest and popular commissioners. If your serious, loyal citizenship will devote itself to the task of electing good men, if your press will co-operate as it has done here, by reviewing the careers of candidates and recommending only good men for office, irrespective of personal pull or party affiliation; if your organization will give your officers and your reputable nominees the same kind of co-operation you would expect from them after election, you need have no fear as to the result of applying the Commission Form of Government."

Portland, Oregon; Pop. 207,214; Edgar B. Piper, Editor "Oregonian."—"The first election under the new charter resulted in the choice of capable men, and the outlook for a wise and economical administration is good. It ought not to be a difficult matter to confine direct legislation to basic and paramount issues by regulating percentages and methods of circulating petitions."

Trenton, N. J.; Pop. 150,000; Trenton "Evening Times."—"There is no question that Commission Government is a tremendous improvement over the old system. Since August, 1911, when the new system went into effect, the revenue deficit has been decreased from \$61,807.39 to \$12,361.18. With two members less and much smaller clerical force, the city assessors will complete their work this year two weeks earlier than usual."

Birmingham, Ala.; Pop. 132,685; W. B. Everett, Secretary Chamber of Commerce.—"Birmingham has a board of three commissioners, who are paid \$7,000 per annum. A referendum upon franchises is provided, and the system provides a recall upon petition of three thousand voters. Two referendum elections have been held, in which the voters displayed lively interest. The people would not seriously

consider a return to the ancient aldermanic system."

Omaha, Neb.; Pop. 125,000; Joseph Polcar, Editor "Daily News."—"Omaha has been operating under the Commission Form of Government for a year and a half. To me and to other people who have taken the trouble to analyze, the results have been highly satisfactory. In the year and a half of our experience with the Commission Form, the referendum and recall have not been used once. The first initiative is being tried now—to submit to the people a proposition for seven fares for a quarter on our street cars. There has been no tendency whatever for the people to use these powers as a menace by unwarranted application."

Lowell, Mass.; Pop. 106,000; John H. Murphy, Secretary Board of Trade. — "The Commission Form of Government is a success, and there is absolutely no agitation or feeling to go back to the old form. Initiative, referendum and recall have never been used, but are constantly in mind, both by the people and office holders, and the effect is good."

Spokane, Washington; Pop. 104,402; W. J. Hindley, Mayor.—"That Spokane has not suffered, but rather has been revived under Elective Commission Government, is evidenced by the fact that now more than \$33,000,000 is invested in public improvements by railroads, power companies and private citizens, not in contemplation, but in actual process of construction."

Trenton, N. J.; Pop. 150,000.—"The Herald," after reviewing at length the past fiscal year of Elective Commission Government in Trenton, says: "If there were to be an election today there would be an overwhelming majority in favor of government by Commission. Practically all the business men of the city like the present way of doing things."

Des Moines, Iowa; Pop. 100,000; Lafayette Young, Publisher of Des Moines "Capital."—"We have had the Commission Form here about six years. Our population is about 100,000. We have never exercised the recall, nor the initiative, nor the referendum. We like the new form of government much better than the old. It is easier to find out what is being done and who is responsible for what is being done. We know who to blame, and we know to whom to give credit. We have had the best government we have had in fifty years, although our government at the present time is not perfect. We have found no danger in the recall. I am opposed to a recall in a State, but it is not a bad thing in a city."

Dallas, Texas; Pop. 92,104.—"Publicity literature issued by Dallas says: "Dallas has Elective Commission Government, business administration; best governed city in the United States."

San Diego, Cal.; Pop. 90,000; P. G. Jones, Assistant Secretary, Chamber of Commerce.—“The tendency of this form of government, as we have experienced it, has been to make and set a higher standard of commissioners at each succeeding election. So far as we can ascertain, there is no desire upon the part of the people to return to the old order. We are demanding the best service possible from the city authorities, and we are getting it. There has been no tendency for a misuse of the referendum or the recall.”

Lawrence, Mass.; Pop. 85,000; G. A. Mellen, Managing Editor “Tribune.”—“The Commission Form of Government has proved a success in Lawrence. It is a great improvement over the former system. The recall has been used once. We do not consider there is any danger of an unwarranted application of the initiative, referendum or recall. There certainly has been no evidence of any such tendencies in Lawrence.”

Mobile, Alabama; Pop. 60,000; E. Craighead, “Register.” — “Commission Government has done away with boss rule. Gives more for the people's money. This is Mobile's third year of Commission Government.”

Sioux City, Iowa; Pop. 60,000; W. E. Holmes, Secretary of Sioux City Commercial Club.—“We have not exercised the initiative, referendum and recall, and there has been no disposition on the part of our people to do so. It is doubtful whether a proposition to abandon the Commission Plan would get 43 votes in this city today. The Commission Form of Government is not a panacea for all municipal ills, but it has solved more municipal problems than have ever been solved in any other way. There is not one logical argument that can be raised against the plan.”

Haverhill, Mass.; Pop. 50,000; Daniel N. Casey, Secretary Board of Trade. — “Replying to yours of recent date, Haverhill has had the Commission Form of Government for going on five years, and I think that there is no regret because we adopted it.”

Topeka, Kansas; Pop. 50,000; Arthur Capper, Publisher of Topeka Daily “Capital.”—“The Commission Form of Government has been in force in Topeka for three and one-half years. During that time there has been little serious criticism of it. Most of the criticism has been political in character, and naturally so, as the Commission Form of Government is not favorable to political manipulation of the offices and government of a city. The new system has worked admirably in Topeka and in other cities in Kansas, in which State more towns and cities are under the Commission Form than in any other. The initiative, referendum and the recall have not yet been invoked in Topeka. I believe thoroughly in these principles, as do the

great majority of the people of Kansas. The possibility of their exercise, I am sure, serves to put the mayor and commissioners on their good behavior.”

Chattanooga, Tenn.; Pop. 65,000; W. Scott Raulston, Secretary.—“I beg to state that the city of Chattanooga has had the Commission Form of Government for a little more than two years. We have a splendid set of business men serving on this commission, and it has proven very successful.”

City of Burlington, Iowa; Pop. 34,324; Robert Kroppach, City Clerk.—“The plan was adopted by our people in 1909, two to one voting in its favor, and went into effect about 1910. We know it to be a decided success in every way. In the first three months the city was placed on a cash basis. Present debt refunded in serial bonds at 4 1-2 per cent. interest instead of 6 per cent.”

Decatur, Ill.; Pop. 35,000; Jno. M. Byrne.—“Decatur has had a Commission Form of Government for two and one-half years now, and is more than satisfied with it. Decatur has profited by a more efficient government, and at that has since secured economy of government.”

Shreveport, La.; Pop. 28,015; C. G. Rives, Superintendent of Accounts and Finance.—“I do not believe the adoption of the Commission Form of Government falls in the least to attract our best citizens to go before the people for office. It is my opinion that the fact of responsibility being where the people can at all times know where to place it, makes this form preferable. It is my observation, after three years trial, that the people as a mass take a much deeper interest in their government, for they know the officials do not now hold their power of attorney, which they did under the old system.”

Rock Island, Ill.; Pop. 25,000; N. D. Carlson, Secretary Rock Island Club.—“A municipal dollar goes farther than under the old system. Our floating indebtedness at the time of adoption was \$115,000—odds and ends of every description, running back for ten years and more—and this has all been wiped out.”

Gloucester, Mass.; Pop. 24,398; R. W. Freeman, Secretary Board of Trade.—“The initiative, referendum or recall have not been exercised by our people at all up to the present time, and personally I cannot say that this power would be unjustly or unwarrantably used by the people. I am of the opinion that the Commission Form of Government here has been in many ways a vast improvement over the older form.”

Ottumwa, Iowa; Pop. 22,012; J. N. Weidenfeller, Secretary Commercial Association.—“Our commissioners have been in office now since April 1st, and I believe without

exaggerating one particle that they have succeeded in accomplishing more for our city in this short time than previous administrations under the old plan have accomplished in a term of two years, and I believe I can speak advisedly on the subject, as I was honored with the position of councilman for a period of six years. Occasionally you may get a councilman or mayor of mediocre ability, but he can always be kept trying to do his best, or recalled if he be inefficient or dishonest. I believe that under the new plan you will also get a maximum amount of efficiency for a minimum amount of money expended."

Jackson, Miss.; Pop. 21,632; James B. Lusk, Secretary Jackson Board of Trade.—"The Commission Form of Government is all right, but you want to insert the recall. We failed to do that, but are going to have that provision supplied at the next legislature in January next. My advice is, try the Commission Form of Government, and you will like its business-like methods."

Greensboro, N. C.; Pop. 19,246; J. C. Forrester, Secretary Chamber of Commerce.—"Our people are greatly pleased with the new plan, and if a proposition were submitted to return to the aldermanic plan I believe it would be defeated well nigh unanimously. Some idea of this can be drawn from the spring election. The old commission, two of whom were elected in 1911, and one elected by the first-named two to fill out an unexpired term of a deceased member, were candidates for reelection. The first two were re-elected by votes approximately 10 to 1, while the third had three opponents and polled more than 2 votes to 1 of his combined opponents. There has been no tendency to exercise either the initiative, referendum or recall here."

Pontiac, Mich.; Pop. 20,000; E. B. Linabury, Secretary Commercial Association.—"We are well pleased with the showing made up to this time. The commission was elected and went into office in April, 1911, and we are at present in our third year. The initiative has been used but once, and we have never had occasion to use the referendum or recall. We have been fortunate in getting very satisfactory men for office."

Raleigh, N. C.; Pop. 20,000; Miss Bessie Hill, Hackney, Secretary Chamber of Commerce.—"The Commission Form of Government in Raleigh has been very advantageous to our city. We are doing more work on our streets under this plan of government than ever before. Under this form of government our city is growing rapidly and is very progressive along all lines, and our people are well satisfied with it. We have never exercised the initiative, referendum or recall."

Tulsa, Okla.; Pop. 18,182; C. A. Sanderson, Secretary Tulsa Commercial Club.—"It is the accepted and general opinion with our people that a Commission Form of Government is a much better way than the old way of handling city problems. We have the initiative, referendum and recall. The last six years we have been under the Commission Form of Government, these privileges have never been called into use."

Appleton, Wis.; Pop. 16,773; Editor "Evening Crescent."—"The Commission Form of Government has worked out to satisfaction of all in this city. No one would go back to the old form."

Fort Dodge, Iowa; Pop. 15,543; C. A. Roberts, Manager Fort Dodge "Daily Messenger."—"City officials are now on their second terms as commissioners under the Commission Plan of Government. No candidates appeared against them after their first term expired. It certainly must show satisfaction with the method under which they operate the city's business. There has never been a recall petition circulated here, although the law permits its use."

Jacksonville, Ill.; Pop. 20,000; Paul B. Fritchey, Secretary Chamber of Commerce.—"The Commission Plan of Municipal Government is a long step toward a good system for municipal business management. The people have not delegated all of their rights away, and each of these commissioners is answerable to the entire community and subject to recall, if he is willingly negligent in his duties or disregards the wishes of the people. It has been unnecessary for us to exercise the initiative, referendum or recall since adopting this form of government."

Cairo, Ill.; Pop. 14,548; E. Dalley, Editor "Cairo Bulletin."—"Cairo, previously known as a city of great municipal extravagances, is now on a firmer financial footing than ever in its history. The machinery of government is operated at less cost and greater results are obtained in every department. Until the new plan of government was adopted, the voters of Cairo had virtually no knowledge of the condition of the city's finances. They now possess this information in detail."

Fargo, N. D.; Pop. 14,331; J. P. Hardy, Secretary Commercial Club.—"Our Commission Form of Government has been in existence since May 1st, and while there has not been opportunity for the commissioners to demonstrate the practicability of this style of city government, yet up to date there has been no comment made on any of the policies of the commission. We are not afraid at all of the initiative, referendum and recall."

Jamesville, Wis.; Pop. 14,000; H. F. Bliss, Managing Editor of the Jamesville "Gazette."—"To say that our people are well satisfied with the Commission Form of

Government is to but state the simple truth. A dollar in service is demanded for every dollar spent. A radical saving is already apparent. Your people will make no mistake in adopting the Commission Form of Government. It has everything to commend it."

Marshalltown, Iowa; Pop. 13,374; D. W. Norris, Editor of "Times Republican."—"The Commission Form of Government has been in operation in this city for three years, during which time it has given almost universal satisfaction."

Coffeyville, Kansas; Pop. 12,600; A. J. Valentine, Secretary Chamber of Commerce.—"I am of the opinion that if the proposition of going back to the old system were submitted to the people it would not get a dozen votes, as the present system is so popular with them."

Ottawa, Ill.; Pop. 11,121; E. B. Wharton, Secretary Ottawa Development Association.—"I beg to advise that this form of government has been in operation for over two years and has worked entirely satisfactory."

Mankato, Minn.; Pop. 10,365; E. F. Searing, Secretary Commission Club.—"I would say that this city, as a whole, is very much pleased with it. Probably seven-eighths of the heavier taxpayers would not go back to the old form under any consideration."

Faribault, Minn.; Pop. 10,000; E. D. Roth, Publisher of "Faribault Journal."—"Faribault, with a population of 10,000, has been governed under the Commission Form for four years. The system is giving universal satisfaction. There has been no recall of any official. The citizens of Faribault would not think of going back to the old system of government."

Wyandotte, Mich.; Pop. 9,000; Charles H. Marr, Mayor.—"I feel safe in saying without egotism that the results have been a great improvement over the old system. While we have the initiative, referendum and recall in our charter, they have not been used thus far."

Grand Junction, Col.; Pop. 8,000; L. Antles, Secretary Chamber of Commerce.—"Whether it is on account of the fact that the responsibility is placed where it belongs by Elective Commission Government, and that the official knows the power of the electorate of our city, thus bringing out the best that is in our officials, or whether because a man in these positions gets full credit for what he accomplishes in such cases, I am not able to tell you. I do know this, that we have accomplished for the public good more permanent things in four years than were accomplished in twenty years of our old mayor and council form of government. We have done this, too, without licensed revenue from saloons, and have not raised

our tax rate. We use the initiative in many cases, and are compelled, as you will note in the charter, to use the referendum on most of the very important questions. So far the recall has not been invoked."

Hattiesburg, Miss.; Pop. 12,000; F. D. Lander, Editor of Hattiesburg "News."—"We have been under a Commission Form of Government for three years. The Commission Form is a better form of government than the aldermanic system, the laws are better enforced, business more promptly attended to, the affairs of government more economically administered. This town is thoroughly well satisfied with this form of government."

Aberdeen, S. D.; Population, 10,753; H. O. Cooley, Secretary Commercial Club.—"I would say that we have had a Commission Form of Government three years, that under its operation the city tax has been decreased, and the efficiency of the city government has been increased."

Sheridan, Wyo.; Pop. 8,408; O. S. Hoge, Editor of Sheridan "Post."—"So far as can be judged, the commission form has been entirely satisfactory and we doubt if 100 people of Sheridan would vote to resume the old ward form. Sheridan was fortunate in securing good men at the first election, and has some strong men as candidates again."

Minot, N. D.; Pop. 7,500; Franklin Kauffman, Editor of "Weekly Optic."—"The Commission Form of Government has been in force here for about six years, and the system itself has proved very satisfactory. I doubt whether anybody would care to go back to the old system."

Modesto, Cal.; Pop. 7,500; F. L. Wisecarver, Secretary Chamber of Commerce.—"The big change from the old plan is noticeable. Commission government has worked successfully in Modesto. It has brought better men to the commissionerships, and has given Modesto efficient municipal government."

Centralia, Wash.; Pop. 7,311; H. M. Robinson, Secretary Commercial Club.—"I think I voice the sentiment of practically every voter in our city when I say that the Commission Form of Government has solved the municipal problem for the present generation. I am positive that you would never regret electing a Commission Form of Government."

Bismarck, N. D.; Pop. 7,000; F. E. Young, Secretary Bismarck Commercial Club.—"It seems to be the consensus of opinion that Elective Commission Government is a success. This form was adopted here in 1909, and city affairs have been running in a much more business-like manner than they were under the old aldermanic system. There has been no trouble in getting business men to run."

Yankton, S. D.; Pop., 5,000; M. M. Bennett.—"All in all, people here are much pleased with the Commission Government."

Carbondale, Ill.; Pop., 6,000; Jess J. Winters, Commissioner.—"Under the old form of government, certain warrants were worth only 75c on the \$1.00, and not wanted at the price. Today our credit is A No. 1, and our improvement bonds are in demand."

Baker, Ore.; Pop., 6,680; W. E. Meacham, Publicity Manager, Baker Commercial Club.—"Last year the initiative was used to get some amendments to the charter and to try and return to the council form of government. The amendments passed, and the people, by a substantial majority, voted to retain the commission form."

Talladega, Ala.; Pop., 6,000; F. J. Lowell, Pres. Chamber of Commerce.—"I am a strong advocate of Commission Form of Government, and I believe from theory and experience that it is the best form of municipal government."

San Luis Obispo, Cal.; Pop., 5,157; Wm. Stowe Devol, Secretary Chamber of Commerce.—"Since adopting the commission form of government, the city has shown a marked tendency towards advancement, and it is generally considered to have been a wise step in city government."

Natchitoches, La.; Pop., 5,000; D. C. Scarborough, Attorney-at-Law.—"The Commission Form of Government with a few commissioners, with power of recall, is the greatest step taken in modern times on the subject of securing good government for municipalities. The question as to whether the people will abuse the power of recall is answered by my suggestion that the danger will be found that the people will not be active enough in its use to insure the proper respect for it."

St. Petersburg, Florida.; Pop., 4,127; A. Whitney, Secretary Board of Trade.—"If you are looking for the weak spots in elective Commission Government, this is a poor place to come. Our commissioners have done splendidly so far."

Abilene, Kansas; Pop., 4,118; Editor of the Abilene "Chronicle."—"A council had dif-

ficulty in making the municipally-owned waterworks play even. In about three years' time the commission has reduced the rates and has a good balance on hand. The initiative, referendum and recall have never been used, or threatened to be used. When the last council went out of business not a man of the council was even suggested as a candidate for commissioner."

Hickory, N. Carolina; Pop., 4,000; A. K. Joy, Secretary Chamber of Commerce.—"We believe that no business should be managed other than systematically, and that is practically what our city manager form of government provides for—business method in conducting city affairs. We have been under this form of government but six months, and it is proving even more meritorious than its most ardent supporters dreamed of, both in service as well as in financial saving."

City of Garnett, Kansas; Pop., 3,000; B. F. Acuff, Mayor.—"I take great pleasure in recommending to you the Commission Form of Government. It is working to the entire satisfaction of our people."

Ladysmith, Wis.; Pop., 3,000; Mark R. Bell, Publisher.—"This is the first year this city has been under the Commission Form of Government, but as far as we can see now it is the best form of civic administration."

Anthony, Kansas; Pop., 3,000; W. H. Pontius, Merchant.—"We have been under Commission Form of Government three years, and find it very practical indeed."

Neodesha, Kansas; Pop., 2,872; J. J. Carroll, City Clerk.—"We own our gas, water and electric light plants, and did own them under the old form, but never could keep any money ahead to pay current expenses. Our utilities are now paying fine at low rates."

Holton, Kansas; Pop., 2,800; W. T. Beck, of the Holton "Recorder."—"The Commission Form of Government has been in operation in Holton for nearly two years. While this is hardly long enough to test the merits and demerits of the system, the general feeling of the people is that the commission form is a success."



EFFECTIVE FEATURES OF COMMISSION AND CITY MANAGER FORMS OF MUNICIPAL GOVERNMENT.

[Address before the Fourth Annual Convention of the League of Washington Municipalities, held at Spokane, November, 1913, by Dr. Herman A. Brauer, Chief of the Bureau of Municipal Research, University of Washington.]

One of the most noteworthy features of recent political developments in this country is the rapid spread of what has come to be known as the Commission form of Municipal Government. Since 1907, as many as three hundred cities have adopted the new plan, or an average of one city each week during the last five years. This widespread awakening to an active interest in methods of government is a hopeful sign, for it shows that the people are tired of the blundering, haphazard, amateurish "spoils system" of government, with its long, unsavory record of graft, inefficiency and official corruption, and are insisting on fundamental changes involving new departures not only in the government of our cities, but of the states and counties as well.

In view of this nation-wide movement for a change in municipal methods, I propose in this address to review, as briefly and impartially as I can, the essential or distinguishing features of commission and city manager forms of municipal government, in the light of worldwide experience, including our own, discriminating between essentials and unessentials, and pointing out those features which, in my opinion, are essential to good government, and effective under any form of structural organization. These typical or distinguishing features may be stated as follows:

SMALL CITY COUNCILS.

In the first place, there is the small council or city commission. In nearly all the cities now under Commission Government in this country the number of commissioners is five. Under our State law, which applies to the cities of under 20,000 population, the number of commissioners is three. This small commission of five or three men is certainly a new departure as compared with the larger councils under the federal plan

of city government, and the much larger city councils in other civilized countries.

As an example of the other extreme, we have the city of Newport, R. I., which as recently as 1907 adopted a new charter providing for a representative council of 195 members elected from five wards, thirty-nine from each ward, in addition to an elective mayor and five aldermen, likewise elected from wards. This council of 195 for a city of under 30,000 population is probably the largest city council in the world, and must seem like a joke to those who consider small city councils and the abolition of wards to be essential prerequisites to good city government.

But, is the small council or city commission really an essential feature of good city government? Why, then, is it that wherever municipal government has reached its highest perfection, we find large city councils? All over Europe, where municipal government admittedly is most efficient, constructive, humane and progressive, and wherever else the government of cities has been a conspicuous success over long periods of time, and under widely differing political and racial conditions, this feature of Commission Government, the small city council, is conspicuously absent. In Germany, the city of Berlin has a council of 144 members, Dresden a council of 78, and Leipzig a council of 72. In England, London has 118 councilmen, Liverpool 134, Manchester 103, Glasgow —. In France the size of the city councils is determined by the Municipal Code, the smallest being a council of 10 for towns under 500 population, increasing by grades to a council of 21 for cities of 3500, a council of 30 for cities of 30,000, and a council of 36 for cities of 60,000 and over. The two largest French cities, Paris and Lyons, have councils of 80 and 54 respectively. In short, all over Europe, where the government of cities is admittedly far in advance of our own, we uniformly find large city councils. By what logic,

then, can we assert that small city councils or commissions are essential or indispensable to good government, when as a matter of fact all over the civilized world, wherever municipal government is found at its best, the small city council is entirely unknown?

But apart from the fact that the world's best experience and highest attainments in city government have been achieved with large city councils, there are weighty considerations against placing all the powers of a large city in the hands of a small group of men. In a multitude of counselors there is wisdom, says a wise old proverb. The smaller the council, the greater the influence of individual cranks, hobbies, prejudices, favoritism and personal likes or dislikes. Undoubtedly, the combined judgment of a large council is safer and saner than that of a smaller group of the same kind of men. In a larger group, even though each individual member should be a crank on some subject, yet there would never be a majority who were cranks on the same subject. The individual fads and hobbies would cancel each other, leaving a sane and sober residue as the combined judgment of the larger council.

Moreover, a large council is generally safer as regards undue influence from interested outside parties. Here again there is safety in numbers. In a small commission of three or five members, all that is necessary to control a majority is to get two or three votes, and we all know enough about human nature to feel that it is easier to win one or two men for a certain project than to get control of ten or fifteen. The larger the council, the harder it is for any one clique, ring or gang to secure control, or for outside interests to convert or persuade a majority to their way of thinking and acting. These are all well-known practical facts, so I need not waste time to urge them upon you.

On the other hand, large councils are not well adapted for administrative purposes. They are too unwieldy and too deliberate where promptness of action is required. That is why large deliberative bodies divide up into standing committees where they are charged with administrative or executive functions. That is

also one of the reasons why the Commission Form of Government requires small city councils, because under that form the commission is primarily an administrative or executive body.

ELECTION AT LARGE.

I pass now to the next distinguishing feature of commission government, the election of commissioners from the city at large, instead of from districts or wards. I am aware that in some of our large cities the very name of ward has acquired malodorous associations, suggesting "ward heelers" and other undesirable "peripatetic political practitioners." But is it really true that the abolition of wards is one of the essential and effective features in good city government? Is it not a fact that all over the civilized world the best results in municipal government have been and are being attained without any election at large, but with city councils elected from districts or wards?

Now, of course, we must not go to the other extreme and assert that good city government is impossible under some other plan of organization. The fact is that all degrees of good and bad government, from the best to the very worst, may exist under either system, and that consequently the mode of election, whether at large or by districts, is not to be regarded as one of the vital or essential factors in the problem, except in very large cities. The important thing is to elect honest and competent men, for in the last analysis the character of your government will depend on the character of the men and women in charge of the work, and on the character and effective control of their public servants by the people themselves. Whatever system of elections in a given community tends to secure the best type of men and women for public office, and provides the most direct and effective control by the people, is the best system for that community. Judged by this test, the question whether city councils should be elected at large or by districts depends very much on the size of the city. In small towns, where everybody knows everybody else, and where consequently candidates are personally known to the people whose votes they so-

licit, the mode of election makes little difference one way or the other. But in very large cities, where most of the voters can have no first-hand personal knowledge of the candidates and their personal or professional qualifications, there are several strong reasons for election by districts rather than by the city as a whole.

In the first place, when the council is elected by the whole city voting as a single constituency, unless some form of proportional representation is introduced, a bare majority of the people may elect the entire city council, leaving the lesser half of the voters without any representation at all. It matters not what the particular party, group or combination may be which thus, under election at large, gets control of the whole city government. It may be Socialism, Single Tax, Prohibition, Municipal Ownership, or any of their several opponents, or it may be a political machine, or one of the State or national parties. In either case the particular group or combination which for the time being controls a bare majority of the votes in the city as a whole, thereby secures a monopoly of representation, to the complete exclusion of all other parties or groups.

It is different when you elect your city council from a number of districts, say ten, twenty, thirty or more, according to the size of the city. Under such a plan you are certain to get diversified representation, for no single party, combination or group would predominate in all of the districts. There could thus be no monopoly of representation, and every large fraction or group would have one or more spokesmen in the government to represent its ideals and to urge its demands. Such diversified representation would not, it is true, be exactly proportioned to numbers, but with preferential voting in the various districts, it would generally be approximately so, and it must be admitted that election from districts is much simpler, more direct, more democratic, and certainly more non-partisan than any scheme of proportional representation that has yet been devised.

Another strong reason for election from districts in very large cities is

found in the fact that where candidates must appeal to the city as a whole, an enormous power is given to the public press, and also to political parties or political machines. The more difficult and expensive it is to win the election, the harder it will be to dislodge the party in power or to bring in new blood, and the farther away will the government be from genuine and effective control by the people, as distinguished from control by machines, parties, combines, or by the public press. Of course, so long as these agencies are honestly and disinterestedly serving the good of the public and not their own selfish ends, there is no cause for complaint. But the fact remains that the harder and more expensive you make the election, the greater will be the power of the agencies named, for evil as well as for good, and the farther away will the government be from direct, independent, effective control by the voters as such.

A third advantage of considerable practical importance is the undoubted fact that election from districts makes possible a much shorter ballot, without resorting to frequent elections, and without reducing the size of the council to a number dangerously small, or too small to give reasonably adequate representation to each of the various conflicting groups or factions existing in every large city. Take for example a city council of thirty members, elected for two-year terms, with elections held every two years. Under election at large, unless partisan tickets or factional lists are made up in advance by political bosses or partisan leaders, each voter is saddled with the task of picking out thirty men out of a list of perhaps 150 or more candidates. Naturally, no voter is in a position to do this, unless he is something of a professional politician, especially in very large cities, where few if any of the candidates are known to him even by name. Under such conditions, we all know what happens. The professional politician emerges and obligingly does the work which the voter cannot do for himself. Tickets or lists are made up and presently the voter is helpless in the hands of political or factional machines, who are careful to place on the tickets or lists only those candidates who

are bound hand and foot to the bosses or leaders concerned. Under election from districts, this danger of narrowing or forcing the voters' choice is largely avoided, as all that he is called on to do is to choose one man once in two years to represent his views in the council. Which is safer in the long run? Which is more likely to produce candidates for public office who are free to act on their own convictions in accordance with the will of the people, and not the will of the bosses or factions which secured their election? Which system is more likely to keep control of the government in the hands of the people themselves? Under which system are we likely to get an intelligent vote, where every voter in the city is asked to choose thirty men out of a list of probably five times that number, or where thirty districts each choose one representative from a list of probably not more than five? As I said before, in small towns there is no objection on these grounds to election at large. But in very large cities it seems to me election from districts is safer, simpler and more democratic. Just where the line should be drawn, or how large a city must be to make election districts advisable, is a matter of opinion and depends in each instance on local conditions. In any case, except in very large cities, the size of the electorate is not, in my opinion, to be considered an essential or determining factor in good city government.

CONCENTRATION OF POWER.

I come now to the most essential, and in my opinion the most important feature of Commission Government, the concentration of all the powers of the city in a single small elective board or commission. This combination of legislative and executive functions by the city commission, each commissioner becoming personally the administrative head of one or more of the city departments, has at least one good point in its favor. It results in a large measure of administrative, initiative and executive discretion, which is very essential to good government under any plan of structural organization. It is this intimate association and close co-operation between the executive and legislative

branches which, in my opinion, is responsible for much of the improvement, as compared with previous conditions, which Commission Government has effected in most of the cities adopting that plan. In saying this, I realize that, when a city is sufficiently dissatisfied with existing conditions to change its framework of government, it is very difficult to say how much of the resulting improvement is due to the change in form and how much to the changed conditions and the awakened civic interest which produced the reform. We must not forget that good government is in any case primarily a question of honest and competent men, sustained and encouraged by an active interest in municipal affairs on the part of the people. Under such conditions, and especially where the previous administration was notoriously corrupt or grossly inefficient, a decided improvement would certainly follow almost any change in structural form. Moreover, during its brief trial, the commission plan has been operated in the main by its friends and proponents, who have made special efforts to ensure the success of their own innovation. But these conditions are exceptional and temporary, and it remains to be seen how the new plan will fare in this country in the hands of indifferent or incompetent men. In most of the commission governed cities the new plan has been tried for less than five years—a mere moment in the history of public administration.

Nevertheless, I believe that this feature of Commission Government, the large administrative initiative and the intimate and continuous co-operation of the legislative and executive branches, has been an important factor in producing the better results. As an illustration of what I mean, I will quote from the last biennial report of our Commissioner of Public Lands, which contains the following statement:

"Without entertaining high hope that any of them will be accepted, I submit herewith my suggestions for legislation affecting the affairs of this department. It is the custom, if not the legal duty, of all State officers to biennially exhibit to the legislature the needs of their respective departments. These suggestions

come from the men who are presumed to be best informed upon their particular subjects. No matter how carefully a law or code of laws may be drawn, its daily application for a number of years will usually reveal some fault which may be cured by amendments, repeal or supplemental aid. The officer charged with its administration might be supposed to possess special opportunity to discover these needs. And, in theory, he displays them for the benefit of the State and the legislature; in practice, his report seldom benefits anyone but the public printer.

"The last biennial report of this department laid before the legislature twenty recommendations of various degrees of importance. I am not aware that any of them was accorded the slightest attention. Certainly none was enacted into law. For the most part, the suggestions of the other State officers were similarly left wailing upon the legislative doorstep. * * * I do not undertake to say that the State's revenues have seriously suffered because the recommendations of the last report were disregarded, although that fact is not beyond demonstration. Upon the other hand, I do not hesitate to say that direct damage was done by the enactment of the dozen or so new laws affecting this department, concerning which no member of this office was consulted by any committee or member of the legislature."

Under Commission Government, where the men who enact the laws or ordinances are also the men whose duty it is to apply and enforce them, we should expect less hasty, superfluous and impracticable legislation, whilst laws that really are needed in the interests of efficient administration will not fail of enactment.

But admitting that a large administrative initiative is an essential and most desirable feature in any good government, whether city, county or State, yet it seems to me that this feature is secured even more effectively in the European managerial systems than under Commission Government. Under those systems, which are analogous to the amended form of Commission Government known in this country as the city

manager plan, all the advantages of Commission Government are effectively secured, whilst avoiding the weaknesses and dangers of that form. The city councils, that is to say the representatives of the people, have all the power and are held responsible for the enforcement as well as the enactment of laws, through officials that they are authorized to employ for that purpose. In this way the entire executive service, comprising probably not less than nine-tenths of the government in a large modern city, is placed on a professional basis from top to bottom, whereas under the earlier commission form, where the administrative heads of departments are elected by the people directly, administrative ability is frequently neglected in the unequal competition with more popular vote-getting qualities.

Under such conditions a community is lucky indeed if its best, ablest and most experienced citizens can be induced to come out as candidates for public office, when this means the expenditure of much energy, time and money in a struggle for votes that is often made very unpleasant. Even if by a streak of good luck we manage to elect exceptionally honest and competent men, more likely than not by the time the next election comes around, just when he is beginning to be really competent in that particular position, as likely as not, more likely than not, your faithful, industrial servant is "kicked out" of office and possibly some greenhorn put in his place, who has to go through this training all over again.

I have never yet known a community, where there was not more or less chronic dissatisfaction with the government. It is always a good card in a political campaign to be a "reformer" and "agin' the government." Nothing human is perfect or ever will be, and there never yet was a government anywhere in the world which commanded the unanimous respect and approval of the entire body of voters. The result is, no matter how competent, industrious and honest your elective officials may be, they are certain to have a more or less powerful opposition at all times. In addition to this, there will always be ambitious rivals trying to unseat them, and when votes are divided

on all sorts of issues and between numerous candidates, no elective official is ever secure in his position, no matter how faithful, industrious and competent he may be. There is no harm in this as applied to legislative representatives of the people. But with administrative officials whose work requires professional knowledge which can only be acquired through training and experience in the actual work, these frequent changes are very wasteful and very injurious to public administration. On the other hand, where the executive work is all in the hands of a permanent staff of well-trained professional men and women, who are not thrown out periodically on irrelevant political issues, but are retained as long as they are fit for the place, the entire administration can be placed on a scientific professional basis. This has been done in the older civilized nations for a great many years, and that is the principal reason why the government of their cities is admittedly so very far in advance of our own.

I will conclude this address by quoting from a recent report of the National Municipal League in which the advantages of the city manager form of municipal government are briefly summarized as follows:

"The city manager feature is a valuable addition to the commission plan, and we recommend to charter-workers serious consideration of the inclusion of this feature in new Commission Government charters. Its advantages are:

"1. It creates a single-headed administrative establishment, instead of the five separate administrative establishments seen in the Des Moines plan. This administrative unity makes for harmony between municipal departments, since all are subject to a common head.

"2. The city manager plan permits expertness in administration at the point where it is most valuable, namely, at the head.

"3. It permits comparative permanence in the office of the chief executive, whereas in all plans involving elective executives, long tenures are rare.

"a. This permanence tends to rid us of amateur and transient executives and to substitute experienced experts.

"b. This permanence gives to the administrative establishment the superior stability and continuity of personnel and policies which are a necessary precedent to solid and enduring administrative reforms.

"c. This permanence makes more feasible the consideration and carrying out of far-sighted projects extending over long terms of years.

"d. This permanence makes it worth while for the executives to educate themselves seriously in municipal affairs, in the assurance that such education will be useful over a long period and in more than one city.

"4. The city manager plan permits the chief executive to migrate from city to city, inasmuch as the city manager is not to be necessarily a resident of the city at the time of his appointment, and thus an experienced man can be summoned at advanced salary from a similar post in another city.

"a. This exchangeability opens up a splendid new profession, that of 'city managership.'

"b. This exchangeability provides an ideal vehicle for the interchange of experience among the cities.

"5. The city manager plan, while giving a single-headed administration, abolishes the one-man power seen in the old mayor and council plan. The manager has no independence and the city need not suffer from his personal whims or prejudices since he is subject to instant correction, or even discharge, by the commission. Likewise in the commission each member's individual whims or prejudices are safely submerged and averaged in the combined judgment of the whole commission, since no member exerts any authority in the municipal government save as one voting member of the commission.

"a. The abolition of one-man power makes safer the free-handed extension of municipal powers and operations unhampered by checks and balances of red tape.

"b. More discretion can be left to administrative officers to establish rulings as they go along, since they are subject to continuous control and the ultimate appeal of dissatisfied citizens as to the fairness and intelligence of a group (the

commission rather than to a single and possibly opinionated man (an elective mayor). Inversely, laws and ordinances can be simpler, thus reducing the field of legal interpretation and bringing municipal business nearer to the simplicity, flexibility and straightforwardness of private business.

"6. The city manager plan abandons all attempts to choose administrators by popular election. This is desirable because:

"a. It is as difficult for the people to gauge executive and administrative ability in candidates as to estimate the professional worth of engineers or attorneys. As stated under No. 13 in our 1911 report, such tasks are not properly popular functions.

"b. By removing all requirements of technical or administrative ability in elective officers, it broadens the field of popular choice and leaves the people free to follow their instinct, which is to choose candidates primarily with reference to their representative character only. Laboring men, for instance, can then freely elect their own men to the commission, and there is no requirement (as in the Des Moines charter) that these representatives shall, despite their inexperience in managing large affairs, be given the active personal management of a more or less technical municipal department.

"7. The city manager plan leaves the lines of responsibility unmistakably clear, avoiding the confusion in the Des Moines plan between the responsibility of the individual commissioners and that of the commission as a whole.

"8. It provides basis for better discipline and harmony, inasmuch as the city manager cannot safely be at odds with the commission, as can the Des Moines commissioners in their capacity as department heads, or the mayor with the council in the mayor-and-council plan.

"9. It is better adapted for large cities than the Des Moines plan. Large cities should have more than five members in their commission to avoid overloading the members with work and responsibility, and to avoid conferring too

much legislative power per individual member.

Unlike the Des Moines plan, the city manager plan permits such enlarged commissions, and so opens the way to the broader and more diversified representation which large cities need.

"10. In very small cities, by providing the services of one well paid manager instead of five or three paid commissioners, it makes possible economy in salaries and overhead expenses.

"11. It permits ward elections or proportional representation as the Des Moines plan does not. One or the other of these is likely to prove desirable in very large cities to preserve a district size that will not be so big that the cost and difficulty of effective canvassing will balk independent candidates, thereby giving a monopoly of hopeful nominations to permanent political machines (see No. 11 in the 1911 report).

"12. It creates positions (membership in the commission) which should be attractive to first class citizens, since the service offers opportunities for high usefulness without interruption of their private careers."

To this condensed and comprehensive summary I will only add that, in my opinion, when all the administrative functions are delegated to a relatively permanent professional staff, and the council or city commission consequently acts only as a representative and policy determining body, the reason for a very small council no longer exists. As previously stated, where the work of the council is chiefly executive, as under the commission form of government, the number of commissioners has to be small because large bodies are too unwieldy and too deliberative for administrative work, but when all the executive functions are delegated to a professional administrative staff, as in the managerial form, it seems to me we should revert to the larger and more representative councils. These should be large enough to afford adequate representation to the various groups, classes and policies which exist in every large city, but not so large as to make any councilman feel that his presence or absence at meetings would make no appreciable difference.

MONTEREY, THE NEXT CONVENTION CITY

By R. F. JOHNSON, Mayor of Monterey



Colton Hall, Monterey, California

Monterey is identified with more of the early history of California than any other city in this State. Colton Hall is perhaps more widely known to the people of California than any other public building in Monterey. It was here that the first Constitutional Convention took place during September, 1849, and adopted the memorable instrument by which our State was governed for thirty years. Walter Colton, after whom Colton Hall takes its name, was a chaplain of the frigate "Congress," commanded by Commodore Sloat, which arrived in the port of Monterey, July 1,

1846. On July 7, 1846, Commodore Sloat took possession of Monterey, raising the American flag, after issuing his proclamation declaring California to be



Consul Larkin's Headquarters
Monterey, Mexico, 1832



San Carlos Mission, Monterey, California

part of the American Union, and Walter Colton was appointed first alcalde (mayor) under the new order of things, and held the office for three years, becoming quite prominent in the affairs of Monterey. In Walter Colton's story, "Three Years in California," he says he built Colton Hall with workmen whom he had sentenced to jail for gambling, and with moneys taken by his officers from gambling tables while making a raid. At present Colton Hall is made use of by the city officials, and is in a good state of preservation.

THE GERMAN CITY—ITS MUNICIPAL GOVERNMENT

By H. D. BRUNT, of Halifax

[Before the Eighth Annual Convention of the Union of Nova Scotia Municipalities, held at Bridgewater, August 27-28-29, 1913.]

Mr. President and Gentlemen:—

I feel very much like the small boy who was going away and his mother asked him to say his prayers night and morning, and he said he would. When he came back his mother asked, "What did you say in the evening?" and he said, "Now I lay me down to sleep." "And what did you say in the morning?" "Oh, I said Uncle Ben's prayer in the morning—Oh, Lord, must I get up."

I preferred not to write a paper, because what I had to say I wanted to say in a somewhat conversational way, and I preferred to look at you while I was saying it.

I will divide my remarks into two parts: First, how the German city is administered, and second, what they administer.

I am going to take the Prussian city as an illustration. In territory Prussia occupies about half of the Empire. The country is divided into twelve Provinces. Over each Province is a president and council, and over that council is chosen a committee to act with the president, who is appointed by the King of Prussia, and who is the direct agent of the Minister of the Interior. Each one of the Provinces is divided into districts. Over each district is a president and council. Now, it is with that president and that council that the cities come into direct contact. *When there is a disagreement between two bodies and a deadlock, it must be decided by the president and the council of the district.* We have the Minister of the Interior: twelve provinces, each with a president and council, and a committee, and each province divided into districts and over each district a president and council, and with that president and that council each city comes into contact.

For the city administration there is, first of all, a great municipal council.

That municipal council consists, for instance, as in the case of the city of Berlin, of 144 members. A city of the size of Halifax would have a council of 42 members. These members are chosen and elected by the people by a vote. A voter must be twenty-four years old, have resided a year in the city, have paid all his taxes, and must receive a certain income or must be a householder. Voters are divided into three classes: All those receiving a certain income are in the first class; all those receiving an income between that and the second limit are in the second class; and those below that are in the third class. Those in the first class have the privilege of electing one-third of the council; in the second class another third; and those in the third class a third. In Essen, where the Krupp works are, in the first class there were three votes; in the second class 401, and in the third class 18,991 Votes. In other words, 3 voters elected one-third; 401 elected another third, and 18,991 elected the third third. This is one of the things that the Prussian feels most strongly and protests against. In the Government of Prussia this is one of the defects. That council, then, consisting of 42 members, is elected by the people in that way. I would like to define the duties of that council. It simply deliberates. In the first place it gives advice to the second great body—the magistrat—the executive head of the city. It gives advice, but cannot order them to do anything. Secondly, it selects the magistrat, but once the magistrat is selected it is independent largely of the municipal council. Thirdly, it appoints a few officials. It selects the burgomaster, or the mayor, and the other members of the magistrat and citizen deputies. Fourthly, it has to consider and advise upon all matters submitted to it by the magistrat. The magistrat brings down a subject and the council considers that subject, but cannot put it into execution. It may vote in favor or

against, but the magistrat as a general committee meet before it is referred to the president of the district. In certain ways it may assume the initiative. It may tell the magistrat certain legislation that it would like to have put through, but it cannot order.

I would like to lay emphasis upon this, that probably *there is no country in the world where a municipal council can call to its councils, can call to its debates, can call to its deliberations concerning the affairs of its city, men of such integrity, of such scholarship, of such good sound judgment, as Germany.* To become a member of that municipal council sometimes means sacrifice of personal interests, and yet the municipal council of the German city has within its members the very best of its citizens, and that is largely due to the fact that *federal and state politics rarely, if ever, enter into the administration of the German city.* I wish we could lay that to heart. German elections are never conducted to test the vote for the next federal election, and rarely do men divide according to the issues of the Imperial Parliament or the State Parliament in their municipal councils. Rarely, if ever. More than that, *the German considers it an honor to serve his council and to serve his city.*

I have not been in very many countries. I know Germany fairly well. I have had an opportunity of conversing with people from the college professor to the farmer, and there is no country where the Fatherland means so much. The individual has become part and parcel of the state. Not that his individuality is interfered with in any way, but he lives for the state, and the state lives for the greatest good to the greatest number of individuals. There is that spirit, that enlightenment, that thought, and that admiration for their own city, and there is that healthy rivalry between the cities which makes it possible for them to call to their councils the very best within the bounds of the city.

The magistrat—what is it? It is chosen by the municipal council. It consists of the burgomaster, or the

mayor, appointed by the municipal council, but he has to be passed upon and approved by the King of Prussia—in other words, the Emperor; and they appoint the other members. *The magistrat consists of one-quarter to one-third as many members as the municipal council.* A city that would have 144 in its municipal council would have about 40 in its magistrat. When they are chosen from the municipal council they resign their seats. *The burgomaster is usually chosen for a term of twelve years.* It happens very often that he is re-elected for a second term, and sometimes for a third. *In Dresden, Leipzig and Hanover he is chosen for life.* The burgomaster is not elected by the people. He is not responsible to the people, save in so far as he has his finger upon the pulse of the people. *He usually takes a training at a university in municipal government.* In other words, it is a profession. The present burgomaster of Berlin served a term of twelve years in a smaller city before he was called to Berlin. After the first term, if he retires he gets half his salary as a pension, and after the second term his full salary. He is an administrative officer, and is trained in municipal government. Of the other members of the magistrat about half are paid and half not paid. Those who are paid are men who receive special training. The official who has charge of the sanitary department has been trained in medicine. The man who has charge of buildings has had a special training in civil engineering and an arts course. The position of the man in charge of buildings does not correspond to Engineer Doane's position in Halifax. While he is a trained man, he does not occupy the same position. He is an administrative officer and commands the work of his department. The man who has charge of hospitals has under him certain officials.

The duties of the magistrat are—first of all, they must promulgate all the national laws in the city. Different national laws existing are not administered by national officials, but by the city officials, within the bounds of the city.

Prussia has industrial courts where all disputes between employers and employees must be settled. The head of that court is a councillor.

There are various forms of city insurance which must be carried out by the city. *Men are insured against sickness, against old age, against accident.* This insurance gives enormous insurance reserves that are at the control of the state and partly at the control of the city. These reserves are re-issued again as loans to working men very often, and this is one way in which the German city has tried to settle the housing problem.

The German Government is becoming more and more Socialistic. The carrying out of these Socialistic laws falls within the power of the city, and therefore must be carried out by the magistrat.

The magistrat prepare the business that must come before the municipal council. They act as a sort of committee to prepare this business. They must supervise and control all municipal indebtedness. They must look after the streets, the water supply and sewage disposal.

The city of Berlin has settled the sewage question in a most admirable way. The city of Berlin bought 40,000 acres of land. They spent millions of dollars in drainage. Their entire system cost \$30,000,000. They turned over part of it to individual holders, and the rest they are administering as intensive farms. The sewage is pumped to this land and treated and then is used in fertilizing the land. *The mayor of Berlin has made the statement that the bonded debt of Berlin would correspond to \$100,000,000, and that they could realize that sum tomorrow by disposing of their sewage farms.*

The magistrat must look after the public lighting and fire protection. *The city of Hamburg has taken over the insurance of buildings for fire. The premiums must be paid along with the taxes.* They say—we have to maintain a fire brigade, which is a non-productive utility. Why should we have the expense of maintaining a fire brigade to provide

companies with a profit from insurance?

It has to look after its markets. I investigated the markets in Dresden and also in Berlin, where there are fourteen. These markets are built and maintained at the expense of the city. Products of all kinds are brought into the city and a man pays a certain rental for his stall; and these markets are giving a very large return upon the money actually invested in them. In other words, they are a source of revenue.

To show you how the German city has attempted to solve the question of taxation, in the city of Mannheim the budget was something like \$5,000,000 and two-thirds of that \$5,000,000 were raised by profits on public utilities. *In other words, only one-third was raised by direct taxation.*

They control the school system of the city—I am speaking of the magistrat—within very small limits, because the central government keeps a firm grip upon the school system. They look after the administration of banks and loan offices. *The city has its own savings bank.* The savings bank clearings are enormous. One German city, whose name I do not remember, had its bonds a little below par and they took their savings bank deposit and bought back their own bonds. In other words, they hold their bonds as guarantees for the savings.

They have loan offices—what we would call pawn shops—*municipal pawn shops.* Then they have a general supervision of civic utilities. They supervise all municipal indebtedness, the streets, the water supply, the sewage disposal, public lighting, fire protection and insurance. They appoint their own ministers. They have to collect, and have the custody of revenues. They have the care and maintenance of all municipal property. *They appoint all municipal officers.* About half of the magistrat consist of unpaid officials. I want you to notice that. *They have to give up an enormous amount of time—in fact, some men have even given up their business.* The result is that they get men of public spirit to conduct their business, men

to whom it means a very real and industrial sacrifice to carry on the affairs of the city, and yet they are willing to do it.

The individual affairs are conducted by what are called common committees. That is, you have a *municipal council, an elected body*; you have the *magistrat, an appointed body*; your deliberative body, your administrative body, that administrative body consisting half of paid and half of unpaid officials. Each department is really looked after by a committee, and that committee is made up of members of the council, members of the magistrat, two or three of the paid officials of that particular department, and what are called *citizen deputies*, who are chosen by the council at large. They simply go out to a man and say, "Will you come in and help out the finance department?" and he says "Yes." In every department there are citizen deputies. It is practically the same as our system of trial by jury. You have your trained judge and lawyers, and then you take twelve good men and true who know very little about law. Why? you are trying to bring into the courtroom the common, everyday sense and feeling and emotion of everyday man; and they succeed in doing that by introducing the citizen deputies. The chairman of that common committee will be a particular member of the magistrat who has that department under his control. The committee will settle upon some business and they will ask their chairman to report back to the magistrat.

I have tried to give you an idea of the method of administration, and I will take just two or three minutes more to speak of the German budget. First of all, *they have an income tax*, and it is a graduated income tax which runs from about 2½ per cent to 4 per cent and gives, in practically every city, *a much larger amount than the real estate tax*. The real estate tax is three-fold. First, every transfer of property is taxed. Every time property is transferred, say 1 per cent of the money paid goes to the city. Secondly, it is taxed according to its capital value every year. A

man is renting a property and that rental is capitalized and he is taxed on that capital. *Thirdly, any man who buys up large quantities of property and does not improve that land and holds it, is taxed just exactly double the amount of the man who improves his land*. The intention is to cut out as much as possible the land speculator. I have no remarks to make about the city of Halifax, but a man can do a lot of thinking. Frankfurt owns 48 per cent of the land within the city limits. Hanover owns 37 per cent. Berlin owns 240 per cent. In other words, they bought such an immense tract outside the city that the holdings are 240 per cent of the city property, including farms. This is one attempt to cut out the speculator in lands.

I wanted to say something about the difference between the ideal that we very often have of a city and the German ideal. The limits of state interference should be very strictly defined. Everything possible should be left to the individual. *The German says, "We should have a cultured city,"* and the city of Germany is a city of culture. They spend their money on art galleries and museums and they subsidize the theaters. *I paid forty-eight cents a night in the Royal Opera House for my seat to hear the best operas. I had an opportunity in another city to hear an orchestra from Munich of eighty instruments and paid twelve cents for my seat, because these things are subsidized by the city.* There are experts in Germany who go from city to city planning their cities as a man plans his house.

I have tried to make absolutely no application to any city or town in Nova Scotia, but I do believe, and perhaps if it can be said in any one place in Nova Scotia it can be said in Lunenburg county, I do believe that we in Canada have much to learn and adopt from Germany and the Germans.

CONTROLLER HARRIS, Halifax:—I am going to take this opportunity of moving a cordial vote of thanks to Mr. Brunt for his most interesting address on the subject of the German city and its municipal organization. I was reading the

other day about the German city, and I learned that in a great many cases they own the land in such large quantities upon which the city is built and receive such an income from this land, that in four or five hundred cities no taxes are paid by the citizens, and in about one

hundred and eighty or so dividends are paid to the citizens instead of taxes taken from them. It seems to me the sooner we introduce the German municipal system the better.

The motion was seconded and carried unanimously.

MARKET INSPECTION, ITS VALUE AND THE DIFFICULTIES ENCOUNTERED

By MRS. SARAH A. EVANS, Market Inspector of Portland, Oregon

[Before the Second Annual Conference of the League of Pacific Northwest Municipalities, held in Portland, Oregon, October 1 and 2, 1913.]

PRESIDENT MOORE: The next subject on the program is "Market Inspection, Its Value and the Difficulties Encountered," by Mrs. Sarah A. Evans, Market Inspector for the City of Portland.

MR. PRESIDENT, LADIES AND GENTLEMEN: I am going to confess a secret. When I was asked to read this little paper I very willingly and gladly consented, but when I saw the program and saw I was the only woman on it I was scared to death, and I am rather scared now.

To be a pioneer in any movement may be a proud title, but the experience in getting and wearing it is somewhat like the mixing of a new cake without a recipe, and when it is brought onto the table the family wonders why you haven't made a better one.

When something over eight years ago I received the appointment of Market Inspector from the Board of Health of Portland, I stepped in where the proverbial angel might have feared to tread.

I took it up not only as pioneer work, but with the handicap of being a woman for women did not count for as much in Oregon then as they have since last November.

The Domestic Science department of the Y. W. C. A., after an investigation of the Portland markets, personally conducted by that intrepid explorer, into Germland—Dr. Wood Hutchinson—asked the City Council to create the office of Market Inspector, which it did in a hurry, after hearing the experiences of the women; and the council added to the resolution, "that the inspector be a woman."

To the rank and file of market men, at that time, a market inspector was wholly unnecessary and intolerable, but a woman inspector, they *never, never* would submit to.

Their disgust found expression in letters to the press, cartoons, poetry and a variety of things that never saw the light of day and are pigeonholed in my desk, to hand down to future generations when market inspection shall have become a component part of every city government.

In passing I can find no better time than just here to pay a tribute to the press, not only of Portland, but from all over the State, for its uniform kindness and support of my work. To it as much as to any other agency, do I attribute what measure of success I have had.

From the beginning, and throughout three administrations, I have had the

most loyal support of those whom I have served under, and with this double equipment I have had courage and strength for any fray, and no market inspector, especially if it be a woman, can succeed with her work, or render just compensation to the city, unless she has the sympathy and support of her superior officers.

In assuming the office, my first task was to overcome the prejudice against a woman inspector. And how did I do this? I should hardly like to tell a body of municipal experts, for I was working on city time, and they might think I was defrauding the public if I told them—I just sat down and chatted about anything but the shop. I learned the baby's name; when it cut its first tooth; how long the family cat had slept on the bag of beans, and many other family traditions, until the shop became the natural sequence of this friendly chat.

Then I talked plain, common-sense housekeeping to them—demonstrating so far as possible, that the proper care of food and cleanliness would pay—the "pay" always struck a responsive chord—and I have since found that if you can once convince a man that it pays, and he will experiment on that basis, you will have very little future trouble.

At this time I seldom mentioned an ordinance, which was the better part of my valor, for we hadn't an ordinance that would approach some of the conditions I encountered.

You must remember that market inspection is just a little different from ordinary city work; for next to a man's home comes his place of business, and his little shop is his domain where he thinks he should reign supreme. To him it is just as much his private concern as the home is the wife's, and any criticism of it, at first, is exceedingly hard to bear. I realized that antagonism, and organized opposition would retard, if not destroy, the work I was endeavoring to do, but I realized just as clearly, that temporizing with offenders was fatal, and that when a definite order was given there could be no turning back. Justice to the market man, and justice to the public must be evenly balanced, allow-

ing no other influence to prevail, though it tugs the heart strings both ways.

As a help I drew up a set of rules, setting forth what would be required for a clean shop. Not one of them could have been enforced, but they were suggestive and helpful to those who desired to maintain sanitary conditions.

For almost two years the council, which had been so generous in creating the office could not agree upon an adequate ordinance—you know many interests were involved by this time. In the meantime persuasion and publicity were my only weapons.

It was not wasted time, however, as I was gleaning experience which later crystalized into our present market ordinance. It was considered severe at the time, but now it is wholly unequal to the work. This is due, in part, to the growth of our city, but more especially to a shifting of the public viewpoint regarding sanitation.

Some of the conditions I found eight years ago could hardly be mentioned in polite society, and I have almost to refer to my note book to convince myself that they ever did exist.

Can you imagine a meat market doing a \$125,000 business a year, and not a water faucet within a half block of the shop? Such was the case in one of Portland's large markets, and while the battle raged between the proprietor and the market inspector to have it installed to circumvent, as he thought, any evil results to his business in case of publicity, he inserted the following advertisement in one of our daily papers: "120,000 PER ANNUM Business being done, corner and in butcher shop, without lavatory, toilet or city water; dry process." I found at least twenty-five other markets in the city without water, but no other that advertised the dry process.

Open toilets without the usual half partition were found in restaurant kitchens, and bakeries; often times in close proximity to moulding tables, ranges and ovens. I found one baker mixing cake directly under an open grating in the street; this same baker was turning out his cakes on the un-

washed gunny sacks in which sugar is shipped; uncovered candy was sold from carts on the street corners; Chinamen scoured the garbage dumps for berry boxes to refill; all kinds of food stood unprotected, in open receptacles, on the pavement and out on the curb; poultry was kept, killed and dressed, in rooms with undrained wooden floors and where other food was stored. In one place I found a pet deer making his home in a cosy corner of the butcher shop which had been wired off to accommodate him; bread from the early delivery was piled unprotected, and uncovered in the groceryman's door way, and millions of flies was the heritage of summer. These things our ordinance, and eternal vigilance have abolished, except in the case of the law breaker.

Our worst conditions, however, prevailed among the tamale vendors, who were Orientals of the worst type, and a few Mexicans. They herded together in unspeakable conditions of filth and immorality. Fifteen were found together in a cellar, unlighted, except for one smoky oil lamp, and no ventilation except through a small doorway at the entrance. Bedding, corn-husks, pots of chili, pans of mysterious concoctions, with the finished product mingled on the dirt floor in picturesque confusion with the turbaned heads and bare feet of the tamale makers.

Others were found in abandoned sews along the river, and in hovels unfit for human habitation—and their products were sold on our streets every night, and quantities of them.

With insufficient laws, I had to resort to publicity, and a newspaper exposé reduced the popularity of this midnight favorite to a minimum; later resulting in an ordinance requiring the place where they are made to be inspected, and a certificate from the inspector before a license could be obtained for selling them. This has reduced the number in the business from over 50 to three or four. In every place where food is kept or sold to the public could be treated in a similar manner it would reduce unsanitary conditions in our markets 90 per cent.

I could go on indefinitely relating the experiences of an inspector who, for eight years, blazed the trail alone, but I trust I have convinced you that market inspection should be a vital part of every community. If you have no officer designated for this specific work, I am convinced the same conditions exist in your midst, as did in ours, for, strange as it may seem, the markets, and the food we eat have never seemed of as much importance, particularly in a new country, as the paving of streets, licensing dogs, and other branches of city government.

Naturally, I believe the Market Inspector should be a woman. She will bring to it the inherited traits of her sex, and carry her ideas of purity and cleanliness in the home into the shop; it is her natural work, only enlarged from the four walls of her home to the city gates of the public, while her mother love will seek to protect others as she would protect her own.

But no woman—or man, for that matter—should undertake the task with the idea that it is a light or irresponsible one. She will meet with rebuffs, and be misunderstood; her nerves and her temper will be tried well past endurance; she will be offered the usual temptations of the officer whose favor is worth currying; she will hear stories that would make a graven image laugh, or draw tears from a stone; she will be elated by fulsome flattery and pursued with vindictive malice. But if she can look this all squarely in the face, she can go to her task with the full assurance that her opportunities for service are far greater, perhaps, than in any other city position.

She comes closer to the individual; she learns of his necessities, and she can oft-times carry a word of cheer to the discouraged and depressed; she can inspire a wholesome respect for all those things that make for cleaner and better living. In short, while exercising her authority as an officer of the law—for which, of course, she draws a munificent salary—she can be a missionary for health and happiness, and "Only he is doing duty for the state whose work is greater than his compensation."

REVIEW OF A REPORT ON PROPOSED WATER SUPPLY FOR THE RICHMOND MUNICIPAL WATER DISTRICT

By N. D. BAKER, Assistant Engineer

An engineers report of 211 printed pages with twelve large plates and seventeen diagrams has recently been published by the directors of the Richmond Municipal Water District, of Contra Costa county, California. The report contains eleven chapters and ten appendices, in which are considered in turn various phases of the water supply problem for Richmond, with analyses of costs and other determining factors of all available supplies.

It includes a general description of the Richmond Municipal Water District with estimates of its probable future growth and water consumption, a discussion of the requirements of a modern water supply for a community of this character, and the extent to which the water systems now in Richmond fulfill these requirements.

The Richmond Municipal Water District was organized by an election held December 3rd, 1912, under acts of the legislature of the preceding year. Special engineers* were appointed soon after, who worked steadily for a year with a large field and office force to make the necessary studies and secure the required data.

The area of the district is approximately 60 sq. miles. It includes all of the City of Richmond, and the outlying country to the south as far as the Alameda-Contra Costa county line. The northern boundary is about midway between Pinole and the old town of San Pablo. The eastern boundary is far enough back to include possible reservoir sites on San Pablo and Wildcat Creeks, and a portion of their water sheds. A review of the climatic conditions is included and the results shown of careful studies to locate the portions of the district now improved.

In Chapter II of the report an estimate is given of the population of the district, and methods shown of forecasting ahead for forty years, the population and water requirements.

Two methods are used in forecasting Richmond's future, first by comparison with the rates of growth of larger cities, and second by a study of its own past growth.

The combined result using the two methods shows the probable population in 1955 as 134,000, with possible variations between 87,000 and 181,000.

Predictions of the amount of water required are based on the predictions of population, and on a study of present use of water in the district, and of quantities used in other cities. The conclusion reached is that in 1955 a total amount of about twenty million gallons of water per day will be required.

Chapter III is devoted to a description of the existing water systems in Richmond, and gives figures for the areas served and the amounts of water furnished.

The Peoples Water Company serves the larger part of the area, and other systems are those of the Union Water Company, Fred Meyers, McEwen Brothers, Herbert F. Brown, West San Pablo Land and Water Company, and Hercules Water Company.

Only 37 per cent of the subdivided area is served by any system, and in general the pipes are small, the pressures poor, and the quality of the water unsatisfactory. The quantity is not adequate, and the rates charged are higher than they would be in the proposed new system.

In Chapter IV are given general ideal requirements for a water supply and system for a city such as Richmond. Due consideration is given to the questions

*Haviland and Tibbetts, San Francisco.

of quantity, quality both as regards sanitary quality, appearance and hardness, and to reliability and possibility of increasing the quantity. Special attention is paid to fire protection, and requirements of the fire insurance underwriters for the lowest insurance rates. Water rates are considered at some length and local rates compared to those of other California cities.

A very careful study is shown of the underground water resources of the district. Considered in turn are the sources of underflow; the present well supply, its quantity and quality, and a theoretical estimate is made of the possible underground yield by considering local conditions with the results of experience of other communities. The theoretical estimate shows a possible maximum yield from underground water of about six million gallons per day. The present draft on the wells is more than half of this, and it is not thought practical to draw on them to the limit named without frequently getting water of an undesirable quality.

In Chapter VI studies are made for developing as sources of supply the water sheds of San Pablo, Pinole and Wildeat Creeks.

San Pablo Creek has a water shed area of about 50 square miles, of which 32 square miles is above the site of the proposed dam. By building an earth dam five miles up the creek from Richmond and impounding the surface runoff in a storage reservoir having a capacity of 10,600 million gallons, a supply of twelve million gallons per day could be safely drawn.

From a similar reservoir on Pinole Creek, a supply of about 3½ million gallons per day can be obtained from the eleven square miles of water shed above the dam site.

San Pablo and Pinole reservoirs could be joined by a tunnel and pipe line so that they would act as one system, and furnish a surface supply of 15 million gallons per day. This water should be filtered.

Chapter VII discusses the project for obtaining a filtered water supply from

the Sacramento River. This is the project recommended by the engineers, and adopted by the Board of Directors.

The proposed intake and main pumping plant is at Toland's Landing on the Sacramento River far enough up the river to avoid salt water at all times. The 36-inch pipe line will cross under the Sacramento River; cross Sherman Island, and pass under the San Joaquin River a little above Antioch. Thence the conduit line will skirt the base of the hills to the filter plant near Martinez. A second pumping plant will pick up the water after passing through the filters, and deliver it through the remaining length of pipe line to the distributing system and reservoirs at Richmond.

The total length of the pipe line is about 44 miles and its size is computed to deliver water at a maximum rate of fifteen million gallons per day.

The pumping plants will consist of two-stage high-lift high-speed pumps, directly connected to electric motors and housed in permanent reinforced concrete structures.

Because of the poor foundation for the pipe line across Sherman Island, and the consequent liability of interruption of service, an emergency intake will be provided on the south shore of the San Joaquin River where the pipe line crosses. This will be identical in design with the pumping plant at the intake, but will not be provided with machinery, and in case of accident to the pipe line across Sherman Island, or either of the submarine crossings, the machinery will be transferred by barge from the Toland's Landing Pumping Plant, set up in the emergency pump house, and service resumed.

The filters, located near Martinez, will be of the rapid mechanical gravity type, and will be provided in the first installation with a capacity of eight million gallons per day, with a possibility for enlarging to at least twice this capacity. They will be housed in reinforced concrete and steel structure of permanent character. Alternate alignments are presented for that portion of the pipe line from Martinez to Pinole; the shore

route hugging the Bay Shore, and passing through Port Costa, Crockett, Vallejo Junction and Rodeo; and the inland route passing under Franklin Pass through a three-mile tunnel; thence down the valley and joining the other lines at Pinole.

Provision is made in the project for two main reservoirs and one balancing reservoir, only one of which will be completed as a part of the first installment. This will be a main distributing reservoir just outside of Richmond to the east.

Chapter VIII contains a very complete and exhaustive study of the distribution system. The governing requirement for most of the pipes is fire protection, and in this the practice was to adhere as closely as possible to the requirements of the fire insurance underwriters for the lowest insurance rates. This requirement governed size of pipes, spacing of hydrants, and elevation and size of reservoirs. Two distributing reservoirs are provided for in plans; a main distributing reservoir east of town, to be built at once, and holding a week's supply, and a balancing or equalizing reservoir on the Potrero hills west of town to be built when needed, and to hold about 2,000,000 gallons.

The main distributing reservoir will be built at once of 45,000,000 gallons capacity, at elevation 235, and when necessary, can be enlarged to a capacity of 90 million gallons with the water at elevation 250.

For the Potrero hills in the west part of town, a separate high pressure fire protection system has been designed, and will consist of a stand-pipe and a single 10-inch main laid along the crest of the ridge.

Chapter IX gives the cost estimates segregated according to different projects with alternate estimates on the larger pipes for cast iron, riveted steel, and wood stave.

Project C. Six million gallons per day filtered water from the Sacramento River. **This is the recommended project, and the one for which the people will be asked to vote bonds.**

Using wood-stave pipe and shore route	\$2,453,524
Using riveted steel pipe and shore route	2,892,518
Using cast iron pipe and shore route	4,407,042

Chapter X gives an estimate of the cost of the water delivered to consumers under the proposed new system, including interest on bonds, operating, filtering, pumping and administration costs, and depreciation charges.

The cost of water estimated on theoretical basis for computing depreciation should be as follows:

Using wood-stave pipe and shore route:

If 4 million gallons per day are sold,
19c per 1000 gals.

If 6 million gallons per day are sold,
15½c per 1000 gals.

If 12 million gallons per day are sold,
13¾c per 1000 gals.

Using riveted steel pipe and shore route:

If 4 million gallons per day are sold,
18¾c per 1000 gals.

If 6 million gallons per day are sold,
15¼c per 1000 gals.

If 12 million gallons per day are sold,
14¼c per 1000 gals.

Using cast iron pipe and shore route:

If 4 million gallons per day are sold,
23c per 1000 gals.

If 6 million gallons per day are sold,
18c per 1000 gals.

If 12 million gallons per day are sold,
15½c per 1000 gals.

On the more practical method of estimating, it was assumed that \$2,500,000 bond issue would be made and 5 per cent interest and one-fortieth of the bond principal would be paid each year in addition to operating costs. Renewals and extensions to be paid for by new bond issues.

On this basis 4 million gallons per day could be sold for 20.2c per 1000 gallons, and 6 million gallons per day for 16.1c per 1000 gallons, and within ten years after installing the system, an average charge of 15c per 1000 gallons would defray all costs. This is less than half the rate charged at the present time.

Chapter XI gives a summary of the entire report, the conclusions and reasons for their adoption.

Then follows a synopsis of the Sacramento Filtered Water Project for the District, with the concluding statement that a very satisfactory water supply can be obtained by filtering and pumping water from the lower Sacramento River.

As a campaign measure, a demonstration filter was set up, imitating as closely as possible the construction and operation of the larger proposed plant. Water was taken from the river at the site of the proposed intake, shipped to

Richmond in barrels, filtered and sterilized by the latest approved methods, and distributed to the people. The writer has had charge of this plant for over two months, during which time about 200 barrels or 100,000 gallons of the river water have been filtered and distributed. The demonstration has been a decided success, as the water is not only shown by casual inspection to be satisfactory in taste and appearance, but has been repeatedly subjected to rigorous analyses with uniformly good results.

WOMEN AND MUNICIPAL GOVERNMENT

By MRS. C. B. WALKER

[Before the Fifth Annual Convention of the League of Kansas Municipalities, held at Kansas City, Kansas, October 8, 9, and 10, 1913.]

THURSDAY EVENING SESSION.

The convention was called to order at eight o'clock by President Dunkelberger.

PRESIDENT DUNKELBERGER: The first number on the program for this evening is "Women and Municipal Government," by Mrs. C. B. Walker, President of the Kansas Federation of Women's Clubs, Norton.

MR. PRESIDENT: I am pleased this evening to bring you greetings from the five thousand club women of Kansas; and I am sure you have club women in almost all of your towns from which you are delegates. I want to say to you I know the club women of Kansas appreciate this opportunity you have extended for them to give you their viewpoint on municipal affairs.

The powerful idea whose time has come, is that each person has a right to determine his or her governmental environment. When we go back as far in history as we can, we know the people with ideals have always ruled the world. Alexander died sighing for more worlds to conquer: Alexander had conquered all of the known world, and the seven

great wonders of the world, even to the pyramids, were all his private property. Alexander lived for thirty years, and we wonder today if the world was any better off, or is today any better off, because Alexander lived.

About three hundred and fifty years after Alexander lived and died, Christ came into the world and brought to us the greatest set of ideals that have ever been known in the world. He never owned a foot of land. When we compare Him with Alexander, we have two extremes.

I want to say, to begin with, I am an ardent suffragist; so that you will get the view point right. Sometimes when we begin to talk about ideals, people who are opposed to suffrage think right away—"Here is woman, with all of the ideals; she has given all of the ideals to the world; we can't drag her into politics!"

I think man seeks today to excuse himself from this responsibility of furnishing the ideals, because he feels that this field has been left to woman. You know he lets the women be the church members; and so he feels that that is sort of woman's sphere.

A woman, to enter politics, is rather helplessly burdened with these ideals; and I hardly think, candidly, that wo-

man can really give her entire heart to this as she would like to, as long as the conditions are as they are. The men will have to do something to make this over. Finally this will all be adjusted.

The change in the last few years has been as great in man as in woman. Man has extended to woman this full citizenship; man has broadened his ideals of woman. There was a time when man thought that woman fulfilled her mission in the world in one way only. Now that man has generously handed over to woman the full franchise (which was always her inherent right, from the first), the municipal franchise seems different. And it really is different!

Many men have the idea that women are notional. This, of course, is due to the influence of the child. When a child is born to a woman, she is rather enslaved. There is nothing in the world more selfish than a baby; he wants everything right in his hands.

As the child grows up, the woman grows along with him; and she watches him toddle forth from the house to his first school, she begins to be interested in the things along the street which the child knows,—the environment of the child. If environment is perfect, we feel as if we could produce perfect people.

She becomes interested in the things that come into the child's life in the school; and as the child grows older and goes out to work,—perhaps enters a factory,—she becomes interested in the factory. The excuse has been that women are not interested in these things; but a woman naturally grows into it as she has an interest in the child.

Another thing that is helping the women is the attitude manifested last year when the men of the Kansas legislature said to us, "What laws would you women like to have passed?"

Now, I have no sympathy with that patronizing way some politicians hand out to us; but, really, it helps women to let them feel that they have a share in this; and it broadens them in every way. If municipalities would extend a little more of this spirit to women, I think they would be helped much more.

Men and women were made for mutual help. They must combine for everything that relates to human betterment. God intended it so.

WOMEN ARE INTERESTED IN GOVERNMENT.

They say women are not interested in government. I want to say to you that in going over the State of Kansas since women were enfranchised last fall, I note a difference in conversation, not only at mixed parties but in exclusive ladies' parties.

Women are interested in government. Politics is said to be the science of government; but of course we know that it is not such today, because it seems to have been just a method to get office by many people—sort of just a scramble for office, in a way. But government is a matter of business; and women, of course, are interested in the business affairs of a State and of a city, in a way.

Of course, when you say that government is a matter of business, and then sometimes see the way some of the municipalities are conducted, you wonder if it is really a tragedy or a comedy. James Bryce, our authority on American government, says that the weakest thing about the American form of government is our municipalities.

Government has reference to conservation. Woman is the natural conservator and economist of the race; and I think she really does not comprehend why cities are always so deeply in debt.

I think women believe, as a rule, in municipal ownership of light and water and gas, and so on, and they know it is necessary for a city to borrow money to compete with private enterprise; but this continually being in debt and being in debt so deeply, is something they hardly comprehend.

I think that women, as a rule, dislike debts very much. Therefore, the expenditure of public funds is one of the most important things about city government to her.

There is not enough publicity attached to it, either. Such a budget as that of New York City ought to be fashionable in every small town.

But government is more than business with finances. It relates to education of

the young; care of the old, helpless and insane. Women are fully interested in that. I certainly believe that there should be a woman on every school board, because she is close to the heart of the child.

SOME THINGS WOMEN ARE DOING.

Government has to do with public parks. To illustrate: recently there was a women's club in Las Cruces, New Mexico, that owned a hearse; and from the revenue of this hearse they are keeping up a public park in Las Cruces, New Mexico. There is also a club in Illinois that has charge of one of the State institutions; and they say that this institution is being well looked after; they take the responsibility of the institution.

And you know that we are coming to believe today, so much, that our State institutions should be put out of the realm of politics. We are believing in civil service reform more than ever before.

Now, whether the women got the idea from the men or not, we have the idea that they lack the element of sincerity in their municipal affairs. Woman is really anxious to imitate man's higher virtues. She does not care for his undesirable qualities which distinguish him in his relation to government. The lack of character in places of trust occupied by men has destroyed public confidence.

The usual assumption is that people who work for the city have a "snap," and those that manage the affairs are grafters; but we know better than that, because often our husbands are connected with affairs; and we know that whatever they are connected with is all right. (Laughter.)

THE BENEFIT OF CITIZEN ORGANIZATIONS.

I believe that a city should have a definite policy. I think that is where the most of the fault is. They should have a definite policy and work toward it. If they put in their time dodging here and there in response to public clamor, they are not going to get very far.

I believe that every city today should have a civic or commercial or citizen's club, composed of the best business men and the best business women. I think

that they should work together for the correlation of public and private business.

The woman's idea of the modern commercial club is that they hold a smoker about every two weeks, and that they devote themselves to over-advertising the town—boosting and chasing rainbows, and that these commercial clubs are the prime cause of half of our small towns living artificial lives—because the town is over-advertised.

Of course, I will not go into details and tell you about some of the different things that the towns have—when their back alleys are dirty and when they are lacking in things. And I want you to understand, in this, I am not talking about my home town, because it is a model town—and the mayor from the town is here. (Laughter.)

The truth is, gentlemen, women do not know exactly how to use their influence in the political world as it is today. That is quite an admission, in this present man-made political universe; but it is a happy time that has come to woman, in which man is seriously considering her.

The fact is, he is reaching out a hand; and this, in time, will have its rewards. The hope of civilization is not in man alone and not in woman alone; but in the elements of good in both man and woman. The forces of good must join hands to win.

Of course, everybody wants food and shelter and health and so on, but man really wants position and power more than woman does. But beyond this and above it and beyond everything else, man wants a home, he wants the love of a good true woman, and he wants the family fireside and devoted daughters.

FREEDOM DEVELOPS WOMAN'S BEST.

Economic freedom has developed woman, and political freedom will develop her more; and if man is to get the highest joy that is ever to be his, he must look well to the full and free development of woman. Years ago, when woman was made economically free, she opposed this herself.

Really, women got out and made talks against holding property. One of the arguments the women put up was this:

one woman said that any man that was good enough for her to marry was good enough for her to give all of her property to. You know that women could only hold property through some male relative.

But man was more far-sighted than woman. The right kind of a man is he who wants his wife to be a father to his children if he is taken away, and wants her to have control of her property and not have to depend upon some of her male relatives. Man gave this to woman; and out of his experience, he was more far-sighted than woman. Of course, it was her right in the first place.

Now that woman can use political freedom, she will develop more than she has, even with the economic freedom. Here is another idea I want to leave. A mind interested in practical things will grow. And this is true, also, that it does not have to gossip for want of an idea.

MUST WORK TOGETHER.

Man must share his practical knowledge with woman; he must talk with her more of governmental affairs. So often in municipal affairs, the man has insisted that his wife vote only when some little petty thing would come up; and you can see how she would have a distorted idea.

The soul grows only through good ideas. Woman has ability in her; she

has creative ability; and this should be turned in the right direction.

I heard Doctor Anna Shaw say, last winter, women had a great desire to reform men. Dr. Shaw is not married; she might get over that if she were. I think women desire to please men in a great many ways. Women want to attain the greatest possible development.

Woman, of course, has ever lived and been nearer the sorrow of things. The serious side of woman's nature is more developed than man's. Man knows this and shows he knows this because he is always making her the symbol of righteousness, purity and goodness. But, gentlemen, there is no sex in soul.

In conclusion, I want to say that men and women should think along the same lines. It is the only safe and sane solution of these social problems. Some day men and women together will evolve a better system of laws; but no city can evolve a form of government that will be safe and all right with scheming politicians and tricksters at the head of it.

All of the things we want in this world are plentiful and inexhaustible as the air and the sunshine. Let us all work together, for life; for food and shelter and health and happiness. Let us overcome evil with good and error with truth; and finally, let us be honest and loyal, and I am sure the rest will follow.

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RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Abandoned Street (Wash.).—Where a lot owner claims that a strip of land adjoining his lot, which had been dedicated as a public street before it was included within an incorporated town, had been vacated under Laws 1890, p. 603, § 32, vacating any county road remaining unopened for public use for five years, the burden is on him to show that the street had remained physically unopened for public travel for the statutory time. *Brokaw v. Town of Stanwood*, 140 P. 358.

Constitutionality (Wash.).—A law is to be sustained as constitutional unless its invalidity is so apparent as to leave no reasonable doubt on the question. *State v. Pitney*, 140 P. 918.

The unconstitutionality of a part of a statute will not invalidate the remainder unless the provisions are so connected and dependent upon each other that it cannot be presumed that the legislature would have enacted the valid part without enacting the invalid. *State v. Derbyshire*, 140 P. 540.

Dedication (Wash.).—Reservation in a dedication of platted streets of right to lay "water and gas pipes and electric wires, and to erect poles for such purpose, and to construct and operate * * cable and motor railways," being repugnant to proper control of the streets of the city, is void as against public policy. *Bradley v. Spokane & I. E. R. Co.*, 140 P. 688.

Defective Streets (Okla.).—Failure to keep streets and sidewalks in a reasonably safe condition for public use renders the city liable to a person injured therefrom while in the exercise of ordinary care. *Cleveland Trinidad Paving Co. v. Mitchell*, 140 P. 416.

(Okla.).—Notice to a city of a defective street or sidewalk may be either actual or constructive.—*Id.*

Easements (Cal. App.).—A deed to a county, the habendum clause of which is, "To have and to hold said strip of land unto the said party of the second part for the uses and purposes of a public highway or street," does not convey the fee, but merely a right of way. *Forgens v. Santa Cruz County*, 140 P. 1092.

(Cal. App.).—A conveyance of an easement of a right of way for a highway along the shore of the ocean leaves in the grantor his riparian estate, as regards right to accretion.—*Id.*

Eminent Domain (Or.).—A city in eminent domain proceedings is an inferior tribunal, and must strictly comply with the statute, or its acts are void. *Thurman v. Multnomah County*, 140 P. 626.

(Cal. App.).—A railroad corporation could condemn land in a city for a depot, though it had not acquired a franchise over the streets of such city for its proposed railroad. *Vallejo & N. R. Co. v. Home Savings Bank*, 140 P. 974.

Franchises (Cal. App.).—A franchise granted by a municipality to a railroad company to maintain tracks in its streets must, in case of doubt as to its interpretation, be construed in favor of the municipality and against the company. *Town of St. Helena v. San Francisco, N. & C. Ry.*, 140 P. 600.

Licenses (Kan.).—The disability depriving a person who has failed to pay a city occupation tax of the right to sue for services and material furnished in that connection may be removed by a subsequent ordinance, or by a pardon. *Draper v. Miller*, 140 P. 890.

Municipal Contracts (Wash.).—Under a contract for excavation for municipal water system at a certain price per cubic yard, the requirement of 3,500 cubic yards of excavation, where the estimate had been 450 cubic yards, held not such an excess as to take that item out of the contract and to entitle the contractor to payment measured by the reasonable value of the work. *International Contract Co. v. City of Tacoma*, 140 P. 373.

Municipal Water—Regulations (N. M.).—A water company, whether a private corporation or a municipality, may enforce reasonable regulations and may refuse to furnish water to any person who declines to comply with same. *State v. Water Supply Co. of Albuquerque*, 140 P. 1056.

The right of a municipality operating water works to enforce reasonable regulations is the same as that of a private corporation.—Id.

Where a municipality operates its own water supply system, a rule requiring a consumer to lay service pipes from the curb to the main is reasonable.—Id.

Police Powers (Wash.).—The police power includes all regulations designed to promote the public convenience, general welfare, and general prosperity, and extends to all great public needs, as well as regulations designed to promote the public health, the public morals, or the public safety. *State v. Pitney*, 140 P. 918.

Street Railroads (Cal. App.).—A municipality may enact and enforce all reasonable regulations to protect the public or the manner in which its streets shall be used, and may make any reasonable regulation as to the manner in which the tracks of a railroad company shall be constructed and the condition in which they shall be maintained. *Town of St. Helena v. San Francisco N. & C. Ry.*, 140 P. 600.

Street Improvement Laws (Cal.).—The authority conferred under street improvement acts to subject the property of a lot owner to a lien for his proportionate payment of an improvement, and providing further for a sale of the property assessed for delinquency in payment, proceeds from the taxing power of the State. *Los Angeles Olive Growers' Ass'n v. Pozzi*, 140 P. 581.

(Cal. App.).—Where a franchise to a railroad company required the company to pave along its tracks, but did not provide how the ties should be laid or how the concrete foundation should be placed or the rails secured, the municipality could make reasonable regulations concerning the same without impairing the obligation of the contract evidenced by the franchise. *Town of St. Helena v. San Francisco N. & C. Ry.*, 140 P. 600.

Sidewalk Obstructions (Ok.).—When a sidewalk obstruction merely affects an individual's right of passage in common with the public, the individual suffers no injury different in kind from that of the public, and has no private right of action. *Clough v. City of Sulphur*, 140 P. 1155.

A private person suing to restrain a public improvement alleged to be an obstruction must show a special injury peculiar to himself, aside from that of the general injury to the public.—Id.

Statutes, Construction of (Cal. App.).—The court is not restricted to a construction which will give a liberal effect appearing by the letter of the statute, but may resort to a consideration of the purpose to be accomplished by the statute. *People v. Merrill*, 140 P. 1075.

(Wash.).—The mention of a particular subject in the title of a statute is notice of all things germane to that subject in the statute. *State v. Derbyshire*, 140 P. 540.

(Utah).—The reason for the enactment of a statute is wholly immaterial, except as it may throw light on the intention of the Legislature. *State v. Carman*, 140 P. 670.

Speed Law—Violation of (Cal. App.).—The violation of a municipal speed ordinance is conclusive evidence of negligence, where such violation is the proximate cause of the injury, and that is so whether such ordinance is specially pleaded or not. *Seragg v. Sallee*, 140 P. 706.

Street Railroad Franchise (Cal. App.).—A municipality cannot by contract, by granting a franchise to a railroad company to maintain tracks in the streets, divest itself of the power to control the streets for the public benefit. *Town of St. Helena v. San Francisco, N. & C. Ry.*, 140 P. 600.

A franchise granted by a city to a railroad company to maintain tracks in the streets, subject to laws or regulations in force or that may be subsequently enacted, is not such a contract as invalidates a subsequent statute authorizing special paving by the company and an ordinance enacted pursuant thereto.—*Id.*

Tide and Swamp Lands (Cal.).—The right of a grantee of tidelands from the State is subject to a public easement for navigation and fishing. *People v. Banning Co.*, 140 P., 587.

The rights of an owner of swamp lands purchased from the State to literal rights over adjacent tidelands and waters as owner of riparian lands are subject to the public easements for navigation.—*Id.*

Taxation (Wash.).—Personal property shipped into this State for sale, and otherwise taxable, is not exempt because it has been taxed for the same year in the State of the seller's domicile, since the State is subjected to the burden of its protection. *Spaulding v. Adams County*, 140 P. 367.

Tax Title (Wash.).—One who is under a moral or legal obligation to pay taxes cannot become a purchaser at a tax sale. *Burgess v. Peth*, 140 P. 351.

Water Bills (N. M.).—A rule of a water company operating under a franchise that all bills must be paid monthly, within a reasonable time after due, or the water will be turned off and a charge of \$1 made for turning off and turning on the same, being reasonable, is enforceable. *State v. Water Supply Co. of Albuquerque*, 140 P. 1067.

In the absence of statutory authority for making a charge for water a lien on the premises, a regulation authorizing a water company to shut off water for non-payment of water rates is void, in so far as it permits water to be shut off from a new owner or occupant because of failure of a former owner or occupant to pay his water bill.—*Id.*

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

Water rates, fixing. Watsonville, Cal., 396-a.

Muzzling of dogs, providing for. San Leandro, Cal., 396-b.

Licensing of circus, menagerie, merry-go-round, etc., relating to license fee. Anaheim, Cal., 396-c.

Women's Public Welfare Commission, for cleaning and beautifying city, creating. San Diego, Cal., 396-d.

Street name, establishing. Santa Barbara, Cal., 396-e.

Basements under sidewalks and awnings and balconies over sidewalks, regulating the construction of. San Diego, Cal., 396-f.

Intoxicating liquors, regulating the dispensing of. Boulder Creek, Cal., 397-a.

Diseases of bees, amending ordinance to eradicate. Sacramento County, Cal., 397-b.

Salaries of recorder, marshal, street superintendent and clerk, fixing. Bishop, Cal., 397-c.

Police Department, establishing. Eagle Rock, Cal., 397-d.

Sidewalks, providing for the construction and repair of, and assessing cost on frontage. Idaho Falls, Idaho, 398-a.

License fees for laundry solicitors. Albany, Cal., 398-b.

Treasurer's bond, fixing amount of. Oceanside, Cal., 398-d.

Exhibition of hypnotism, mesmerism, etc., prohibiting. San Rafael, Cal., 398-e.

Skating or coasting on street, prohibiting. San Diego, Cal., 398-f.

Vehicles, requiring them to stop ten feet in the rear of street cars. 398-h.

Intoxicating liquors, regulating the business of dispensing. Alameda County, Cal., 399-a.

Traffic on streets, regulating. San Diego, Cal., 399-b.

Intoxicating liquors, regulating the dispensing of. Lodi, Cal., 400-a.

Franchise to lay pipes and supply gas, granting. Antioch, Cal., 400-c.

Tax for park, music and advertising purposes, calling an election to vote on. Huntington Beach, Cal., 401-a.

Municipal pier, establishing rules for the control of. Huntington Beach, Cal., 401-b.

Fees for building permits, fixing. Huntington Beach, Cal., 401-c.

Steam boilers, regulating the use or operation of. Burlingame, Cal., 401-d.

- City pound**, establishing, and providing a dog tax. Lindsay, Cal., 402-a.
- Vaults' and cesspools**, regulating the use of. King, Cal., 402-b.
- Park Commission**, creating. Sierra Madre, Cal., 402-d.
- Tanks and warehouses**, granting permit to erect. San Fernando, Cal., 402-e.
- Motor vehicles**, regulating speed of. Burlingame, 402-g.
- Weeds on sidewalks**, prohibiting. Albany, Cal., 403-a.
- Fire department**, fixing compensation of members of. San Fernando, 403-b.
- Plumbing and sewerage**, providing the manner of performing. Kingsburg, Cal., 403-c.
- Spur track**, granting permit to cross. San Fernando, Cal., 403-d.

RECENT DECISIONS OF THE PUBLIC UTILITY COMMISSION (RAILROAD COMMISSION) OF CALIFORNIA OF INTEREST TO MUNICIPALITIES

Jurisdiction. Complainants allege that the supply of water furnished by defendant company in the district west of Thirty-third avenue in the City and County of San Francisco is insufficient and inadequate, and asks the Commission to direct the defendant company to install larger mains in order to supply more water. The defendant company questions the jurisdiction of the Commission to grant the relief prayed.

Held, By Section 23, Article XII of the State Constitution the City and County of San Francisco retains the "powers of control over any public utility vested" in the city on March 23, 1912.

Held, After a review of the constitutional provisions and authorities, that the delegation by the State to municipalities of general power to enact police regulations, or to enact ordinances for the general welfare, does not confer upon the municipality the power to regulate rates or service, or in any other way to regulate the relationship between a utility and its customers and patrons as distinguished from the city and its inhabitants in general.

Held, Subsection 14, Section 1, Chapter 2, Article II of the charter of the City and County of San Francisco, giving to the municipality the power "to prescribe the quality of the service" of water supplied within the municipality, vests in the municipality jurisdiction to grant the relief sought in this proceeding.

Held, The Commission has no jurisdiction to grant the relief prayed, and application is dismissed. Case No. 545.

New depot. Complainant alleges that the present depot of defendant in the City of Modesto is inadequate in size and inconveniently situated and petitions the Commission to compel defendant to construct an adequate depot conveniently located upon a site selected by the Commission.

Held, Defendant directed to submit within sixty days for the approval of the Commission, plans for the construction of a depot to cost approximately \$15,000.00, midway between I and J streets in the City

of Modesto, and to construct said depot six months after the approval of such plans. Case No. 557.

Rates for natural gas. Complainant alleges that the present rates for natural gas as charged by defendant in the City of Taft are unreasonable petitions the Commission to fix a reasonable rate for such service.

Held, After thorough investigation just and reasonable rates prescribed which include a rate of 70 cents per one thousand cubic feet for the first five thousand cubic feet per month, with a minimum monthly bill of \$1.00, which rates are ordered into effect within thirty days. Defendant also directed to file, for the approval of the Commission, a plan embodying uniform deposit requirements in accordance with suggestions outlined herein. Case No. 516.

Investigation upon the Commission's own initiative to determine a fair and reasonable rate for natural gas to be paid by the West Side Gas Company to respondent.

Held, That the present rate of 25 cents per one thousand cubic feet for natural gas delivered by California Natural Gas Company to West Side Gas Company for distribution in the towns of Taft and Maricopa is unjust and unreasonable, and a rate of 7 cents per thousand cubic feet is determined upon as a fair and just rate for this particular service, which rate is ordered into effect within thirty days. Case No. 562.

Water rates. Complainant alleges that rates for all classes of service as furnished by defendant in the city of San Jose are unjust and unreasonable, and petitions the Commission to fix just and reasonable rates for such service.

Held, That the rates of defendant in so far as they differ from the rates herein prescribed are unjust and unreasonable, which prescribed rates include an increase in the commercial rates paid by the city and a decrease in the minimum monthly rates as paid by small consumers. Defendant directed to make all service connections and meter installations at its own expense, with certain specified exceptions, subject to the consent of the Commission.

Held, That though it is the desire of the Commission to encourage utilities to safeguard the purity of water used for domestic purposes, if more than one method may be pursued with equal effectiveness, it is only reasonable to require that the more economical one be followed.

Held, That the right to pump water, when said right does not interfere with equal rights of other property owners, can not be capitalized to a greater extent than the actual cost of development, which cost will be fully allowed. That where land included in a watershed is essential to a water supply such land is included in the value of the water, and when the two are valued separately duplication results.

Held, That necessary development cost, being interest upon investment in a plant, which during its infancy can not be reasonably expected to earn a return upon such invested capital, should be allowed by a rate-fixing body, provided that such cost has not been offset by subsequent excessive earnings. Case No. 476.

Water rates for outside consumers. Held, Just and reasonable rates to be charged by the City of San Diego for water supplied outside the city limits found to be: Minimum per month, \$1.25 entitling consumer to 5,000 gallons; between 5,000 and 20,000 gallons, 15 cents per thousand;

between 20,000 and 1,000,000, 10 cents per thousand; amounts over 1,000,000, 9½ cents, with an additional charge of ½ cent per thousand gallons for consumers west of filtration plant.

Held, After full review of the original cost, reproduction value, new and depreciated reproduction value; that \$3,500,000.00 is the reasonable value of the property owned and leased by the City of San Diego and operated by the city from and including the Morena system to the city limits, and is the sum on which a rate of return must be computed in this case.

Held, That Commission has the authority to determine the amount of value to be allowed for water rights. Application No. 547.

Requiring extension of mains. Complainants allege that the present water service as furnished by Theodore A. Bell in the Alta Heights District of Napa, is inadequate and uncertain, and petition the Commission to compel the Napa City Water Company, serving the City of Napa, to extend its mains so as to serve this territory.

Held, That parties in interest reaching an agreement satisfactory to the Commission subsequent to the hearing, Napa City Water Company directed to construct an eight-inch main to connect with the system now owned by Bell, which system is to be sold to the Napa Company for the sum of \$500.00, the latter company hereafter to serve this district at a minimum rate of \$1.50 per month. Case No. 575.

Re-establishing lawn rates. Held, That in order to prevent a preference in favor of consumers within the city of Inglewood, defendant company is ordered to re-establish for consumers outside the city limits the special "lawn rate" now in effect within the city. Case No. 553.

Valuation of water system. Upon application of the city of Glendale, the Commission proceeds to determine a fair valuation for four certain water utilities serving said city.

After a thorough investigation the Commission determines upon the following findings of fact: (1) That the fair compensation to be paid by applicant for the system of the Glendale Consolidated Water Company, including certain water stock owned by said company, is the sum of \$69,782.66; (2) For the system and water stock owned by the Verdugo Springs Water Company, the sum of \$50,292.00; (3) For the system and water stock owned by the Miradero Water Company, the sum of \$24,919.00; (4) For the system of the Verdugo Pipe and Reservoir Company, the sum of \$14,241.00. Application No. 936.

Sale of water company. Applicant authorized to sell its certain water system located in the City of Sierra Madre to said city for the sum of \$108,952.01.

∴ What Our Pacific Coast Cities Are Doing ∴

Aberdeen (Wash.) will vote on the question of issuing bonds for bridge building at the fall election.

Alameda has decided to improve portion of Central avenue and portion of Lincoln avenue.

Albany (Cal.) committee on fire apparatus has estimated cost of fire apparatus at \$8,103.00.

Alhambra received bids June 23 for completing alterations and additions to the Granada-avenue school building. Bonds to the amount of \$12,500 have been sold for building a reinforced concrete bridge over Mill Creek, between Alhambra and San Gabriel, and bids will soon be called for.

Anaheim received bids June 11 for a lot of street work. June 25, bids were received for 1,500 barrels of crude road oil for street work. On July 9, bids will be received for improving portion of highway of Lincoln avenue by grading and paving with hydraulic cement, concrete and asphalt wearing surface; also for the improvement of North Lemon street and North Philadelphia street in the same manner.

Antioch received bids June 22 for the sale of electricity to operate electrical pump and equipment now being installed at the pumping plant.

Auburn has voted bonds for the construction of a new school building; estimated cost, about \$45,000.00.

Banning Union High School District will receive bids July 6 for erecting a high school building.

Baumont has passed an ordinance calling an election August 4, to vote \$2,000.00 bonds for city lighting, and \$8,000.00 bonds for street improvements.

Bellingham (Wash.). The supervisors are discussing plans for building bridge across the Hooksack River near Lynden on the Guide Meridian Road.

Benicia School District will receive bids July 6 for school bonds to the amount of \$18,000 in the denomination of \$1000 each.

Berkeley is contemplating calling of another election to vote \$1,750,000 school bonds.

Bishop Union High School District received bids June 26 for remodeling the present Bishop Union High School; also to install direct heating and ventilating system.

Brawley has voted \$35,000 bonds for extending the water mains.

Colton City Engineer will shortly prepare

plans and specifications for paving a number of streets.

Dixon has voted \$60,000 for the construction of a high school.

Eagle Rock citizens are talking of calling an election for a new school.

East San Diego will receive bids July 6 for improving portions of Highland avenue, Klauber, Castle and other streets by the construction of sidewalks, paving and curbing.

El Monte received bids June 18 for the construction of an elevated steel tank and tower. Bids will be received July 6 for the construction of a reinforced concrete city hall. On same date bids will be received for one triplex pump and motor together with an automatic starter, piping and fittings to foot elbow at base of elevated steel tank. Bids will also be received on same date for the construction of a municipal water works system.

Elsinore has voted school bonds for the erection of a new school house.

Fresno will soon call for bids for the construction of the Columbia School. Bids will also be called for furnishing manual training equipment for the high school. Bids will be received July 2 for making additions to the woodworking and machine shops of the high school. On July 6 bids will be received for a combined mixer and heater for bituminous road mixtures. On same date bids will be received for a motor driven hose wagon fully equipped; also for the motorization of several horse-drawn fire wagons. Bids were received on June 15 for improving Thomas avenue by curbing, grading, oiling and macadamizing.

Glendora received bids June 19 for reinforced concrete culvert.

Hayward will have her streets and nearby county roads repaired at a cost of about \$200,000. Upper B street will be bituminized and five miles of boulevard will be rebuilt. Winton road will be improved and a road will be laid from Hayward to Valley Vista school.

Hemet citizens are talking somewhat of a new city hall.

Hermosa Beach is making preparations for the erection of a two-story brick city hall.

Hollister received bids June 26 for laying 6-inch vitrified pipe sewers in several streets and alleys in said town.

Hoquiam (Wash.) received bids June 22 for equipment for school district No. 28 in Chehalis county. Bids were received on

June 17 for paving a portion of Riverside avenue and 20th street. On June 10 bids were received for improving a portion of Aberdeen avenue by paving.

Huntington Beach received bids June 17 for the paving, guttering, crowning, capping and oiling of portion of Geneva street; also cement curbs and sidewalks.

Huntington Park Union High School District received bids June 27 for furnishing kiln, machine shop, gymnasium equipment, printing outfit for Manual Arts department and other school equipment.

Lakeport trustees are considering installation of new street lights.

Long Beach. A number of citizens are in favor of erecting a municipal auditorium or convention hall. Board of Public Works has been authorized to call for bids for 2000 tons of cast iron pipe and 20 tons of screw pipe for water department.

Los Angeles authorized purchasing clerk to secure bids for furnishing three steam shovels for the road department. Bids were received June 22 for the construction of Alameda storm sewer including paving of street. Board of Education received bids June 18 for installing and furnishing automatic sprinkler system for the Lincoln High School. Bids will be received July 6 for installing and maintaining an addition to the system of street lighting in the Bairdstown lighting district. On June 29 bids were received for furnishing 20,000 bbbs. to be be sprayed on the public streets. On July 23 bids will be received for the department of public service for furnishing 18,000 feet of diamond mesh wire fence. City council has been asked by the Board of Public Works for permission to purchase three oil burning road rollers.

Los Gatos has voted \$6000 bonds for an automobile combination and chemical engine and \$4000 for a fire house.

Madera will shortly hold a bond election to vote \$6000 bonds for a motor combination chemical and hose wagon and other equipment.

Napa city clerk has been instructed to advertise for bids for a bridge over the Napa River.

National City will hold a bond election July 6 to vote \$9000 for the construction of temporary school buildings.

Nevada City has adopted plans for a water system.

Oakdale Irrigation District is in favor of bond issue for \$400,000 for constructing laterals.

Oakland received bids June 18 for furnishing labor and material for the repair of asphalt and bituminous pavements for the fiscal year, 1914-1915. Bids were received June 25 for furnishing electric power to various city departments and for furnishing electric power to the municipal dredger. City Engineer will shortly prepare

plans for the improvement of Peralta avenue, from Hopkins street to the southern line of Morgan property. City may call election to vote \$500,000 bonds for the completion of the municipal auditorium.

Olympia (Wash.). Bids for paving 8.9 miles of Inland Empire highway from Rosalia to Cashup in Whitman county were opened by the State Highway department.

Ontario City Engineer has been directed to prepare plans and specifications for the paving of portion of Euclid avenue, Garden street, Los Olivos and New Mission street.

Orange will hold a bond election July 7 to vote \$10,000 for the construction of a reinforced concrete bridge on East Chapman avenue.

Orland. Cherokee School District has voted \$7000 for the erection of a concrete school building.

Oroville. Supervisors will receive bids July 7 for construction of a reinforced concrete bridge across North Honcutt Creek on the Oroville and Bangor Cut-off Road. Bids were received June 15 for improving portion of Meyers street by paving, curbing and constructing concrete gutters with cast iron gutter plates.

Pasadena's Street Superintendent wants the city to purchase street roller and scraper. Board of Education received bids June 30 for 300 folding chairs. City Engineer is preparing plans and specifications for a 5-light ornamental light system on portion of South Fair Oaks avenue; also for a 1-light system on portion of El Molino Street.

Porterville City Engineer is investigating different kinds of pavements preparatory to having a number of streets paved. Citizens are talking of having a bridge constructed over Pioneer Ditch.

Portland received bids July 1 for the following: 750 $\frac{3}{4}$ -inch water meters with $\frac{1}{2}$ -inch connections; 25 $\frac{3}{4}$ -inch water meters with $\frac{3}{4}$ -inch connections; 25 1-inch water meters with 1-inch connections.

Redlands City Engineer has been authorized to purchase a leather belt for the Lugonia water station at cost of about \$300.

Redondo Beach citizens are contemplating a \$75,000 bond issue for a grammar school. Plans are being prepared for the improvement of portion of Guadalupe avenue and Margarita avenue. City engineer has been instructed to prepare plans for the sewer extension of portion of Opal, Jasper, Helberts, Irena and Juanita avenues.

Richmond. Portion of Cutting Boulevard will shortly be paved.

Riverside. Arlington district sewer will shortly be constructed at cost of about \$30,000. City council has passed resolution of intention for the installation of concrete lighting posts on portion of 7th street and Lime street.

Sacramento received bids June 23 for the construction of a reinforced sewage pumping station. Bids were received on same date for furnishing complete pumping machinery and equipment for said station. Bids were received June 16 for one motor propelled gasoline combination pumping engine and hose wagon of the automobile type. State Engineer will receive bids July 22 for constructing a laundry building for the Southern California State Hospital, Patton, Cal.

San Diego City Engineer will shortly prepare plans and specifications for a 19-mile boulevard from the city limits at Del Mar to Old Town by way of Torrey Pines, Pacific Beach and La Jolla. \$275,000 will probably be spent for improvement of the water system. A \$1,000,000 bond issue for building concrete and steel bridges throughout the county is contemplated. Bids will be received July 7 for constructing reinforced concrete girder bridge over Buena Vista Slough on the State Highway. Specifications have been completed for a concrete conduit from Morena to Barrett to be 7½ miles long and cost probably \$85,000. Bids were received on June 15 for cement curbs and sidewalks on portions of K, Webster, F, 29th, 10th, A, B, 26th, 27th, and 28th streets. Department of Finance, Ways and Means received bids June 22 for 44 hydrants; also for the construction of concrete pipe conduits from foot of B street and on Broadway to the municipal bulkhead. Plans are being prepared for laying a 10-inch main in Voltaire and Abbott Streets in Ocean Beach. Estimated cost about \$6000.

San Fernando fire department are urging city trustees to purchase more fire apparatus.

San Luis Obispo will receive bids July 6 for construction of a 30-foot span reinforced concrete bridge with 40-foot roadway including two 10-foot sidewalks.

San Mateo. Electroliners may be placed throughout the business streets.

Santa Ana City Clerk has been directed to advertise for a carload of water pipe and a number of fire hydrants. Bids were received June 15 for a lot of pipe and specials. Bids will be received on July 6 for a motor chemical and hose wagon.

Santa Barbara will receive bids July 2 for constructing a 6-inch vitrified main sewer in Sola street, Myrtle avenue and Rancharia street. City Engineer has been directed to prepare plans and specifications for constructing curbs, gutters and pavements on portion of Canon Perdido and Carrillo street. Resolution of Intention has been passed for the improvement of Valerio-Grand avenue by the construction of sewers.

Santa Cruz city attorney has been ordered to prepare notice for \$150,000 to lay new pipe line from Laguna Creek and erect new reservoir. Board of education will receive bids July 1 for erection of concrete grammar school.

Santa Maria will hold an election July 7 for \$12,000 to purchase a motor-driven fire truck fully equipped and 1400 feet of fire hose. Proceedings have been started for the paving of several streets with oil macadam. Citizens are endeavoring to persuade supervisors to co-operate in the construction of a highway within the thickly populated part of the city.

Santa Monica will hold bond election to vote \$150,000 for the construction of an auditorium.

Seattle. \$500,000 bonds will probably be issued for building 8 miles of municipal car line through Rainier Valley.

Sierra Madre has voted \$8,000 for the erection of a school house.

Stege sewer bonds to the amount of \$75,000 have been sold and six miles of sewers will soon be installed in the sanitary district.

Stockton will shortly receive bids for remodeling the Lincoln Grammar school; estimated cost about \$25,000. An election will be held July 7 to vote \$266,400 bonds for street improvements. People of the San Joaquin Irrigation District have voted in favor of raising \$140,000 to hasten completion of the irrigation system. Resolution of Intention has been passed for the improvement of portion of Sierra Nevada street by grading and paving and the construction of curbs and gutters.

Sunnyvale is having plans and specifications prepared for a proposed water works system at estimated cost of \$35,000.

Tacoma. An appropriation of \$10,000 has been made for a purification plant.

Taft is making many improvements. The Railroad Commission rendered a decision in the City of Taft v. Westside Gas Company in which rates for natural gas were reduced from \$1.00 per thousand to 70c with a sliding scale down to 25c with a 5c reduction if paid by the 15th of the following month. This makes a saving of 33½ per cent to the consumer of gas. The high pressure fire system that was put in at a cost of \$25,000 is in good working order and the city is making a fight for a reduction of insurance rates. The \$40,000 sewer system running to the septic tank is giving good results and the city is in excellent sanitary condition. The county highway to be constructed under the \$2,500,000 bond issue will run one of the main arteries directly through the City of Taft.

Tehama is having plans prepared for the proposed municipal water works system; estimated cost \$10,000.

Tracy trustees will receive bids July 1 for furnishing material for the extension of the Rosedale subdivision of the water district of said city.

Tropic received bids June 25 for 80 or more fire hydrants.

Truckee. Commercial bodies of Reno, Nevada, have started movement for the

early construction of the Lincoln Highway along the Truckee River to Truckee.

Tulare will receive bids July 6 for improving portions of Tulare, King, Kern, Inyo, J and K streets by grading, paving, and the construction of curbs and gutters; also the construction of vitrified iron stone sewers.

Turlock has voted \$15,000 for fire protection. \$6500 for a combination motor driven hose and chemical truck; \$5000 for a standard fire alarm system; \$1000 for a modern fire bell tower with electrical bell striker and \$1900 for repairs to the engine house and incidentals.

Visalia. County surveyor has completed plans for a \$27,000 steel bridge over Kings River. A polytechnic high school may be erected at Mooney's Grove.

Whittier school trustees have called a \$50,000 grammar school election.

CALIFORNIA COUNTIES.

Butte County supervisors will appropriate \$5000 to each of the five districts, making a total of \$25,000 for road work.

Kern County supervisors will receive bids July 15 for constructing a pile trestle bridge over Kern River near Kernville. State highway will receive bids July 6 for constructing about 17.3 miles of highway with Portland cement concrete from Grape Vine Creek to section 5, 632 S. R. 28 E. M. D. and M.

Los Angeles County received bids June 15 for grading and constructing curbs and gutters and sidewalks in road district No. 46.

Marin County supervisors will receive bids July 7 for construction of a wooden bridge with concrete foundations at the crossing of Nicasio Creek between Stations "C1" and "C2" in Road District Nos. 4 and 6.

Mendocino County supervisors will receive bids July 7 for constructing the following bridges: 1. Bridge across Poonkinney Creek on the new Two Rivers and Covelo road; 2. Construct wooden bridge across Robbins Creek on the new Two Rivers and Covelo road; 3. Construct bridge across Goforth Creek on the new Two Rivers and Covelo road; 4. Construct wooden bridge across Albion River in the Town of Albion.

Orange County will receive bids June 16 for improving Los Alamitos section 2 Bay City road. Supervisors will receive bids July 8 for the construction of a boathouse at Orange County Park.

San Benito County. State Highway Commission will receive bids July 6 for constructing 4.0 miles of highway with Portland cement concrete from San Juan Bautista to northern boundary.

San Diego County. State Highway Commission will receive bids July 6 for the construction of about 1.5 miles of highway with Portland cement concrete from La Mesa to El Cajon. Supervisors will probably be presented with petition for construction of two bridges on the San Luis Rey River. Both

structures will cost about \$20,000. County surveyor has been directed to furnish a list and approximate cost of all bridges that have to be constructed or rebuilt throughout the county along the State highway and other places where the structures have become weakened or out-of-date.

San Luis Obispo County. State Highway Commission will receive bids July 6 for constructing about 13.4 miles of highway with Portland cement concrete from Arroyo Grande to San Luis Obispo.

San Mateo County received bids June 22 for the construction of 5.414 miles of highway on the new Redwood City to San Gregorio road. Bids were received June 15 for constructing 4.812 miles of highway on Halfmoon Bay to Pescadero road. On June 15 bids were received for constructing reinforced concrete bridge at Woodside.

Santa Barbara County. Plans are being prepared for viaducts and bridges for Section F. Bids will be received July 6 for constructing a reinforced concrete bridge over Carpinteria Creek. Bids will be received on same date for constructing a Platt Truss bridge over Maria Ygnasio Creek on the San Marcos Pass road. On same date bids will be received by the State Highway Commission for constructing with cement concrete with asphaltic wearing surface about 6.5 miles of road from Orcutt to Santa Maria.

Santa Clara County. Whisman School District will hold an election July 14 for the purpose of voting \$10,000 bonds for a school building and equipment.

Santa Cruz County. State Highway Commission will receive bids July 6 for grading 10.3 miles from Glenwood to Santa Cruz. Bids will be received on same date for constructing bridge over Majors Creek in Seaside road.

Shasta County will receive bids July 9 for constructing concrete bridge with steel stringers across Spring Gulch on the Redding and Anderson road. On July 6 bids will be received by the State Highway Commission for grading 16.2 miles from Bayha to the Sacramento River.

Sonoma County will probably hold an election to vote \$1,550,000 bonds for good roads.

Sutter Creek Levee Directors of the Levee District No. 1 will receive bids June 27 for repairing section of levee.

Tehama County. State Highway Commission will receive bids July 6 for paving from south boundary to Los Molinos about 10.6 miles to be built of Portland cement concrete.

Ventura County. State Highway Commission will receive bids July 6 for constructing 11.1 miles of highway with Portland cement concrete from Newbury Park to Springville.

Yolo County. State Highway Commission will receive bids July 6 for paving 11.7 miles with Portland cement concrete.

Yuba County. State Highway Commission will receive bids July 6 for paving 11.7 miles with Portland cement concrete.

QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Q. We contemplate adding to our water system, and in this extension we have thought of using wood stave pipe, and would ask if you have any record of such pipe being used for such a purpose.

ANS. We have no record of such pipe being successfully used. It is not satisfactory where it is calculated to use it under the ground, as its life is limited to the wire or metal bands which bind it. It is claimed also that it is very hard to secure water-tight joints, and there is liable to be considerable loss from leakage.

Cast iron pipe is undoubtedly the very best, but its cost and expense for transportation make it prohibitive for any but very wealthy towns. Riveted steel pipe dipped in liquid asphaltum would probably be the best and most economical for you to use.

Q. In our city, one of the sixth class, having a Recorder's Court, all of the officers of which are on salary except the recorder, who receives a fee from the city of \$3.00 for each case filed in his court. Is the City of Santa Paula entitled, under Sections 1457 and 1570, to all fines and forfeitures collected in such court, where the actions have been prosecuted for the violation of a State law?

ANS. In reply to your inquiry of June 24, will say that the city is entitled to all fines and forfeitures collected in such court, under the provisions of the sections named, for actions prosecuted for violation of a State law.

It is unlawful for your recorder to receive to his own use any fees, since the amendment to Section 15 of Article VI of the Constitution, which contains the following:

"Sec. 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office; provided, that justices of the peace now holding office shall receive to their own use such fees as are now allowed by law

during the terms for which they were elected." (Amendment approved, October 10, 1911.)

Before this amendment was adopted, the section read as follows:

"No judicial officer, except justices of the peace and court commissioners, shall receive to his own use any fees or perquisites of office."

Note: The words "justice of the peace" as used in this section include the recorder of a city. (Curtis v. Sacramento, 13 Cal. 290.)

In substance, as we understand the law, all fees for actions prosecuted before the recorder go to the municipality. Furthermore, the board of trustees should fix the compensation for the recorder, as he can no longer receive any fees to his own use.

Q. The City of Elsinore voted \$20,000 to construct a sewer system, on recommendation of the designing engineer. The bonds were sold for \$21,000, including the premium. The contract, in accordance with the plans and specifications, was let to a contracting firm for the sum of \$18,053.78. After the work had been started the engineer recommended to the board to have changes made in the system, which, of course, would increase the cost as to the material used. The board consented to the changes as recommended by the engineer, and the contractors presented their bills for payment as the work progressed.

After the sewer had been constructed, it was discovered that the outfall line was 58 feet above the bottom of the septic tank, and the pressure was so great that it burst the vitrified pipe before the sewage would reach the high point of the line, and the system was worthless in that condition, and it cost the city \$1,200 to lay a new outfall line.

Thirty-five days after the completion of the system, the contractors presented to the city a balance due them of \$1,380.29.

It was stipulated in the contract with the construction company that 15 per cent of the work performed should be retained by the city until the system was completed. But when the company presented

the balance due them of \$1,380.29, the trustees found that the whole amount of the \$21,000 had been paid the construction company, and there were no funds to meet their last demand.

The board audited the demand for the \$1,380.29. Then the construction company sold the demand to an individual at 12 per cent discount, and stating to the purchaser that the demand called for 7 per cent interest on the whole. The purchaser has presented the demand to the city for payment, and demands the 7 per cent interest. Now, the information the trustees wish to obtain is this: Can the purchaser compel the board of trustees to pay the demand with 7 per cent interest?

The board contends that the purchaser received the interest on the demand when it was discounted 12 per cent on its purchase.

ANS. The city is under no obligation to pay the \$1380.29, unless it is due under the written contract.

Furthermore, under the provisions of Section 865 of the Municipal Corporation Bill, the board of trustees did not have the authority to create or permit to accrue any debt or liability in excess of the available money in the treasury appropriated for that purpose; nor

to issue any warrant or evidence of indebtedness unless there was sufficient money in the treasury at the time legally appropriated for the payment of the same.

All persons are presumed to know the law, including the individual who purchased the demand from the construction company. The board of trustees is under no legal obligation to pay the demand at all, and the individual who purchased it from the construction company will be fortunate if some citizen does not get out an injunction to restrain you from paying the money at all. In fact, he may consider himself lucky if he gets the face of the demand, let alone any interest. We presume, however, that if the board of trustees feels that the work was done and the money is honestly due, that no citizen will attempt to stop its payment.

Q. Per instructions of the board of trustees of this city, I respectfully request that you give any information that you may have, or your opinion, on the following:

There were two subdivisions of this city

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New York**San Diego
Chicago**Pueblo
Philadelphia**Birmingham
Montreal**Pittsburg
Glasgow*

to which the city water mains did not extend. Residents of these places demanded that the city extend the mains into this territory mainly for the purpose of fire protection. The city mains were extended into both of these subdivisions and fire protection given, the city trustees expecting that the people in these places would connect with the city. Out of some forty people there have been only about fifteen that have connected with the city mains, the balance still buying their water from privately owned plants. This, as you can see, does not do justice to the water department of the city.

Have you knowledge of a parallel case, and if so will you please inform us as to same?

ANS. We cannot recall a parallel case just at this time, but would say that the situation has undoubtedly occurred elsewhere. It would have been better, perhaps, if the trustees had required the applicants for the extension of mains to sign up in writing in the first instance; in fact, it might be a good policy to follow that plan in the future, and not extend a city main into a new subdivision until a reasonable number of residents

had petitioned in writing and signed an agreement to take city water in event the mains were extended.

If the success of the municipally owned water plant is in any way jeopardized by the number of private companies, you might reduce the water rates to a very low point and make up the deficiency by taxation. It will interest you to know that the town of Bishop in Inyo County, has no water rates at all. Water is free; the expense of operating the water works being paid for out of the town property tax. By this method the non-resident property owner is compelled to pay some of the expense of operating the municipal water plant. Of course, the justness of such a scheme is open to question. As aforesaid, however, you would be justified in cutting down prices below the point at which any competing persons or company could afford to operate, and make up the deficit out of the general tax, eventually putting them out of business by this means.

LIST OF RESPONSIBLE FIRMS TO BE CALLED ON TO BID FOR PUBLIC WORK OR SUPPLIES

Write for Catalogs. Mention Pacific Municipalities When Writing

This list is arranged as a guide for the accommodation of city officials where advertising for bids is not necessary.

Accountant

William Dolge, C.P.A., 311 California St., S. F.

Asphalt Machinery

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.

Steiger Terra Cotta & Pottery W'ks, 729 Mills Bldg., S. F.

N. Clark & Sons, 112-116 Natoma St., S. F.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Brick—Paving

California Brick Co., Phelan Bldg., S. F.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.

Buick Cars

Howard Auto Co., S. F.

Concrete Mixers

A. F. George Co., Los Angeles.

A. L. Young Machinery Co., S. F.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.

American Engineering Corporation, 57 Post St., S. F.

S. J. Van Ornum, 960 Pacific Bldg., S. F.

Conduits

Pierson, Roeding & Co., S. F., L. A., Portland, Seattle.

Curbing—Curb Armor

Pacific Building Materials Co., 523 Market St., S. F.

Curb Bar

Amer. Steel Bar Manufacturing Co., Merchants Exchange Bldg., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.

Standard Corrugated Pipe Co., S.F. & L.A.

U. S. Pipe Co., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Dump Carts and Wagons

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.

Fire Extinguishers

Pacific Fire Extinguisher Co., 507 Montgomery St., S. F.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.

Bowers Rubber Works, San Francisco.

American Rubber Mfg. Co., 408-410 Mission St., S. F.

Fire Hydrants

M. Greenberg's Sons, 225-227 Beale St., S. F.

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Flushers—Street

A. L. Young Machinery Co., S. F.

Flush Tanks

Gladding, McBean & Co., Crocker Bldg., S. F.

Pacific Flush Tank Company, Chicago, New York.

Imhoff Tanks

Pacific Flush Tank Company, Chicago, New York.

Inspections and Tests

Robt. W. Hunt & Co., 418 Montgy. St., S. F.

Smith, Emery & Co., 651 Howard St., S. F.

Municipal Accountant

William Dolge, C. P. A., 311 California St., S. F.

Municipal Engineers

American Engineering Corporation, Mechanics Institute Bldg., S. F.

Sloan & Robson, Nevada Bank Bldg., S. F.

Smith, Emery & Co., 651 Howard St., S. F.

Municipal Motor Cars

Howard Auto Co., S. F.

Municipal Printers

A. Carlisle & Co., 251-253 Bush St., S. F.

Municipal Water Works

Smith, Emery & Co., 651 Howard St., S. F.

Pavement Materials

Warren Brothers Co., Los Angeles, Cal.

Pipe

U. S. Iron Pipe & Foundry Co., 701 Monadnock Bldg., S. F.

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Playground Apparatus

A. L. Young Machinery Co., S. F.

Pumps

Byron Jackson Iron Works, San Francisco and Los Angeles.

Road Machinery

Good Roads Mach'y Co., San Francisco.
A. L. Young M'chy Co., Fremont St., S. F.
Barber Asphalt Paving Co., S. F. & L. A.

Road Oilers

A. L. Young Machinery Co., S. F.

Rock Crushers

A. L. Young Machinery Co., S. F.

Roofing Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Rubber Goods

Bowers Rubber Works, San Francisco.
American Rubber Mfg. Co., 408-410 Mission St., S. F.

Scrapers

A. L. Young M'chy Co., Fremont St., S. F.

Septic Tanks

Pacific Flush Tank Co., Chicago.

Sewer Fittings

Pacific Flush Tank Co., Chicago.

Sewer Pipe and Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.
Steiger Terra Cotta Co., Mills Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

Sewer Systems

Sloan & Robson, Nevada Bank Bldg., S. F.

Sewer Tools

A. L. Young Machinery Co., S. F.

Sprinkling Wagons

A. L. Young Machinery Co., S. F.

Steel Protected Concrete

Pacific Building Materials Co., 523 Market St., S. F.

Street Sweepers

A. L. Young M'chy Co., Fremont St., S. F.

Valves and Water Fittings

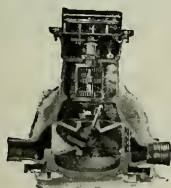
The Giant Valve Co., Sheldon Bldg., S. F.

Water Meters

Neptune Meter Co., S. F. & L. A.
J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.
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Street Signs

A. L. Young M'chy Co., S. F.



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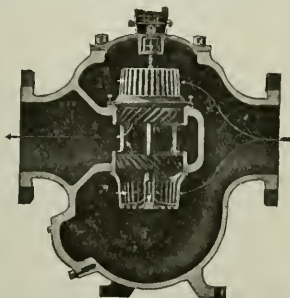
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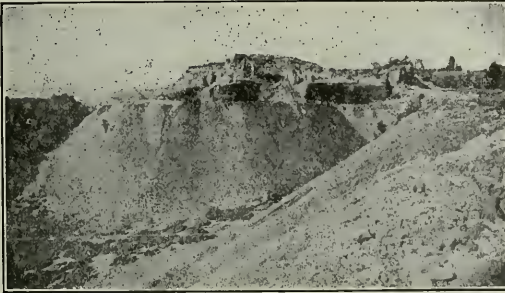
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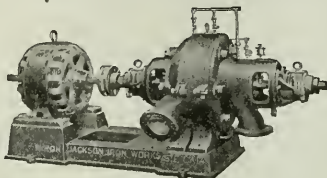
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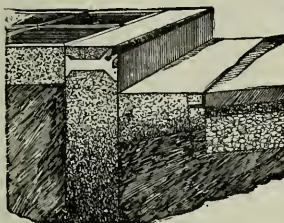
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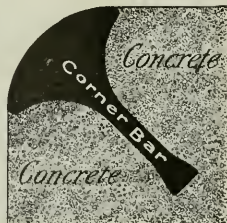
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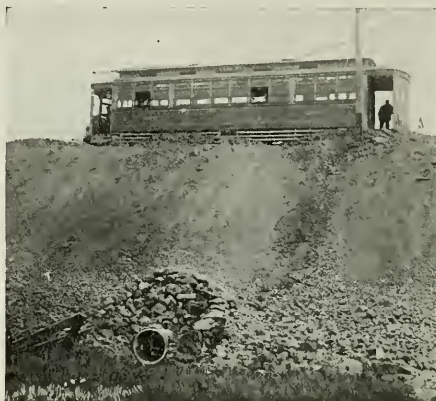
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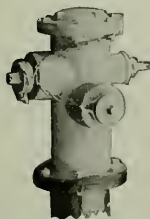
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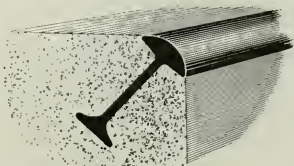
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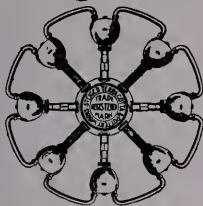
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No. 8

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AUGUST, 1914

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COMMISSION GOVERNMENT FOR STATES

When the League of California Municipalities at the Venice convention last year decided to take up the consideration of a possible change in our State legislative system and of the adoption of a commission form of government for California, there was apparent at first glance a remarkable paucity of material available for the consideration of the subject. During the past six months, however, it has developed that many minds have been working along similar lines, and a mass of matter is being accumulated which has a bearing upon the subject.

Governor Hodges of Kansas will have the credit of giving the proposed commission plan such publicity and consist-

ent support that probably some attempt at constitutional reform along these lines will soon be tried. His message to the Legislature on March 10, 1913, was followed later in the year by a vigorous address upon the subject at the Denver Conference of Governors. From the State Printing Office of Kansas we now have a very complete and valuable pamphlet embodying a symposium of pertinent articles and newspaper editorials bearing upon the subject.

In Oregon the People's Power League, whose advocacy did much to secure the initiative, referendum and recall, proposes to reduce the Legislature to a single-chamber body of sixty members, in which the Governor and his cabinet

officers will have seats. The Governor is given the general appointing power and will introduce all bills appropriating money. The Legislature may reduce these appropriations, but may not increase them.

Considerable progress has been made in Illinois along these lines. The bill of Senator Hay for a legislative commission actually passed the Senate, but met vigorous opposition in the House. It provided for a joint commission, to include the Governor and Lieutenant-Governor, as well as various Senators and Representatives, which would remain in session continuously and would prepare and bring forward a complete legislative program. It could also investigate any department of the State government. While the above program was not adopted, a rule was adopted in the Illinois lower house which seems to have merit. It provided that the Governor may, by message, designate what are administration measures and that such measures shall then have right of way over other bills and shall be the special order of business in committee of the whole on stated days.

In Wisconsin it is proposed that the Governor may submit to the people for enactment any administration bill not passed by the Legislature.

A bill has been introduced in Louisiana to provide for a commission of eight lawmakers. Governor Hodges suggested from eight to sixteen.

Governor Hunt suggested a commission government for Arizona, but without result.

It therefore would appear that a widespread movement is in progress looking to legislative reform in our State government. The movement has two phases. On one side it favors an increase in the power of the Governor, in this respect corresponding to the trend a dozen years ago towards advancing the powers of the Mayor. On the other side it favors a small legislative commission which would necessarily tend to curtail the executive control by reason of the broad powers of the commission which would be continuously in session.

Proponents of either plan seem to unite in an attack upon the double-chamber Legislature. Just now it is the popular thing to decry the established order of things. The bi-cameral Legislature in America is the result of the well-arranged system of checks and balances devised by the forefathers whereby the most finished product of constitutional government in the world resulted. It will not, therefore, do to minimize its importance as a method of safeguarding the rights and liberties of the people. Great strides along co-operative lines in business and government, however, have been made. Fifty years ago the great aggregations of capitalized industry would not have been possible in this country for the simple reason that our business magnates would not have had the grace to work together or to trust each other sufficiently in order to make the management of such institutions possible. In municipal affairs we have learned how to handle great public utilities. The accomplishment of these things means more for good government in a republic than in a benevolent despotism, because they imply an improvement in the average intelligence rather than in that of the few. We have well nigh eliminated the political boss and voters do vote as they please. It may therefore well be that we may eliminate some of the checks and balances formerly found so desirable.

In creating a small single-chamber legislature or legislative commission, we have some very intricate problems to solve, problems which have not yet even been definitely resolved in the matter of municipal councils. Will the new legislators be elected at large, or by districts? If at large, will they be nominated from districts? The districts of course would necessarily be large. That being the case is there any suggestion for giving the smaller units a voice in public affairs, or something to take the place of their apparently lost local representation?

There is just off the press a work by Professor Kales of Northwestern University on "Unpopular Government in the United States" which takes up the issue

and gives the author's views on a plan for an executive council or commission. He would still keep a modified second chamber.

This volume, taken in connection with Bruere's *New City Government*, gives an accurate analysis of the real reason for the success of the commission form of government, and of how far it ap-

proaches a real representative government.

For those who expect to attend the October convention of the League, it is also suggested that they read Governor Hodges' article in the "Saturday Evening Post" of May 2, 1914, the editorial in "The Nation" of June 25, 1914, and the article in "Equity" of October, 1913, on "New Type of State Government."

CHARLES N. KIRKBRIDE.

THE VALUE OF COST ACCOUNTS

An Address by WILLIAM DOLGE, C. P. A., Consulting Accountant, Board of Supervisors, San Francisco

[Before the Sixteenth Annual Convention of the League of California Municipalities, at Venice, California, October 8, 1913.]

Mr. Chairman, Ladies and Gentlemen:

There are extremes in everything. There are extremes in cost accounting systems. You may go down into the details so fine that you are endeavoring to develop the cost of the lead pencils that the city attorney uses, and while doing that, you haven't time to tell the Street Department how much it is costing them per square yard to sprinkle their streets. Or you may do, on the other hand, as you all know the little lady did, who opened accounts for her household expenses and started out very bravely at the beginning of the month saying, "Received \$100.00," and then at the end of the month she wrote on the other side of the account, "Spent \$100.00." That is correct, it is complete, it is arithmetically right, but it is not cost accounting.

Your cost system might go to the point that was recommended by a certain efficiency engineer, who suggested that if the clerks and all those that used ink stopped dotting the i's and crossing the t's, that they would save enough to buy blotters for the clerks' office, forgetting at the same time that every insurance company in town was keeping the city officials supplied with blotters.

In most of our towns at the present time, cost accounting amounts to nothing

more or less than a statement of cash receipts and cash disbursements. The necessity for costs is shown by the fact that you have developed your fund accounts, that is to say, you have created sewer funds and street funds, and salary funds, etc., with the idea of finding out how much you are paying out for your salaries, etc. But the value of the information that you gain is nominal, because, during the year, you find it necessary to transfer money from the street fund into the sewer fund, and from the salary fund into both, or to reverse the operation. So that, when the end of the year comes around, you haven't any real information that you can depend upon.

In such towns as have municipal utilities, light plants, water works, San Francisco with its railway, a cost accounting system for the utility is an absolute necessity. The City of Pasadena, for example, could not successfully continue to ask for bond money for extensions to its electric light plant, but for the fact that they maintain a very accurate system of accounts. They can show taxpayers and citizens, and particularly those who are opposed to municipal ownership and operation of light plants, show from those accounts conclusively that the plant is operating at a profit to the city, and thereby satisfy the taxpayers that it is cheaper for them and better for them to own and operate

their own plant than it would be to buy current.

We had a wonderful illustration of the importance of correct accounts in San Francisco during the months of July and August just past (1913). No doubt all of you know that there was a very important bond election held in that city on the 26th of August, when the taxpayers of San Francisco were called upon to vote for or against the bond issue of \$3,500,000.00 for the extension of the Municipal Street Railway. I think I may say without fear of successful contradiction that practically the entire issue of that campaign was whether the financial statement, the cost statement, that was given out by the administration to the people, was indeed a correct statement.

The citizens emphasized their faith in the administration's cost statement by a vote of about four to one in favor of the bonds. In the case of a municipal railway, which is a single enterprise, an entity, which can be operated distinct from the rest of the city, it is an easy matter and a necessary matter to have cost accounts.

The cost accounts of such a utility can easily be kept upon a regular double-entry system of bookkeeping. It is easily possible to set up the necessary asset accounts and the necessary capital and liability account. And consequently, it is also easily possible to get costs, because there is a regular profit and loss account. But, when you turn to the city as a whole, where the accounts are usually maintained on a cash receipt and a cash disbursement basis, it becomes a little more difficult to arrive at your costs in such a way as to be reasonably sure that those costs are correct costs. For example, it is easy enough to say that all the money that is paid out for street uses is the cost of operating the Street Department. But that information in itself is not very valuable. It would be much more valuable, if you could divide it into the cost of street cleaning and the cost of street repairing, the cost of street sprinkling, the cost of the maintenance of curbs and gutters, the cost of the maintenance of cross walks, and

so on. In a great many cities at the present time, these costs are arrived at on the basis of estimates. That is to say, the Street Department does the best it can under the circumstances. It takes a sort of a running jump at the proposition, particularly as regards the use of material. They don't know exactly how many yards of asphalt they have used on a repair job, they have no idea of what the real value of the basalt blocks are that they have put in on a repair job, because those particular basalt blocks came out of another street, and were in the corporation yard for a little while, and now have been used on this job for patch work.

As to whether that is important or not, is a matter for the Council or for the Commissioners to decide. It is a question of policy, not a question of accounting. If the Commissioners, the governing body, decide that it is necessary to get those exact costs, it is not very difficult for the accountant to produce those costs.

In order to get some idea of the comparative efficiency of one administration with another, of one city engineer with another, of one street superintendent with another, or even the same man during different years or different months, it is necessary to develop units. And this morning I simply want to suggest very briefly some of the units that could be used.

For example, for street sprinkling, the square yard of surface such as it is, which should be coupled with the gallon or gallons of water. It should not be a difficult thing to determine that so many hundred gallons of water cost so much, and the actual sprinkling costs so much, and so many hundred gallons of water will cover so many hundred square feet of surface. The same unit of square feet or square yards can be applied to street sweeping. The same unit can be applied to certain kinds of paving. In the case of concrete paving, it might be necessary to develop a unit of the cubic foot, and then have a separate unit of the surface square foot for the top dressing. In the case of the

oiling of streets that, too, could be on the basis of the square yard. In the case of inspections, building inspection, plumbing inspection, inspection by the Health Board, the unit would be the single inspection, not the single case, because a single case might require ten inspections, and an apparently similar case might require only two inspections.

In your very large cities, where you have a considerable police force and a considerable fire department, or the police department, the suggested unit in the patrolman hour—that is to say, to reduce the entire cost of operating the police department upon the basis of the number of hours that the patrolmen in that department have been on duty. In the case of the fire department, to compute the cost on the unit of the service hour of the men who are employed in the fire department. Those units have been worked out to some extent in a number of cities, and particularly by the United States Bureau of the Census.

The State of California is, as usual, in the fore front, and in the report that is now furnished by the clerks and auditors to the Controller of the State, we have as good a comparison of costs of one city with another, of one department with another, as you can find throughout the country.

In the Controller's report there is the cost system in its outline, its skeleton outline. You have, for example, the possibility of comparison in your own town, the cost of your city clerk's office this year with the cost of the city clerk's office last year, but you cannot, by studying the Controller's report, compare the cost of the police department in your town with the police department in some other town; because the necessary detail is lacking.

I want to close my remarks by suggesting to you that, if you are interested in establishing cost accounts in your cities, to do so from the basis of a budget, to set up your budget at the beginning of the year, and to incorporate your budget in the accounts. Your budget is an estimate of what the things will cost that you are planning to do, and your accounts will, during the year, show ex-

actly how much you are paying out against those proposed estimates. A considerable number of cities in the States have adopted such a method, and it seems to be working with satisfaction.

The program distinctly calls for a discussion, and I want to thank you for your kind attention to this informal address and throw the meeting now open to such discussion as you may desire to indulge. (Applause.)

CHAIRMAN DRULLARD: Gentlemen, we have just had the pleasure of listening to a very interesting and instructive paper, and it is now open to discussion. I assume that Mr. Dolge is prepared to answer any questions that may be propounded concerning those matters upon which he has dwelt, and to make explanation of anything that may be asked for. The subject is now open to discussion, I repeat. It is suggested by our Secretary, Mr. Mason, that if there is any one present among the delegates of any city that has been working on the lines that have been suggested by Mr. Dolge, we will be pleased to hear from him. Is Pasadena represented?

MR. J. W. PRINZ, Auditor of Pasadena: While there has been installed in our city a new system of accounting during the past few months along the line of accounting as required by the State and also by the National Government, it is in its infancy at the present time. But everything tends and looks towards the possibility of having more efficiency and a betterment of the system. We had a very good system before, but in making segregations for this new accounting system, it has been very difficult to arrange and bring out the requirements indicated by the reports. But after doing it the first time, one can readily see that the efficiency of the new system is such that it will bring the results you have vainly looked for in your previous accounting. I have been the City Auditor of Pasadena and deputy to Mr. Kellogg for seven years, doing most of the clerical work, and of course the work has fallen upon me to a great extent. As far as we have gone in the past two months in these changes, I can readily recommend to anybody who has any dis-

position to say that the new system of State reports is a burden—and yesterday I heard several remarks to the effect that it was a nuisance—I can readily say and I want to say it right here, that after you have installed the new plan, that the second or third year you will find it one of the greatest improvements you have ever put in your office. We all look for results. And results only come through hard work. The different departments are not always in accord with the Auditor's methods, and the results are hard to get. But I am pleased to say that in Pasadena we have city officials that will help each other in every way, and if anything new is brought up, they are willing to test it out. We have tried one or two methods where the results were not what we expected. But as regards the new accounting system, I think it is permanent, and makes for great improvement. I thank you.

CHAIRMAN DRULLARD: The subject is still open for discussion, gentlemen. We trust that any of you who seek further enlightenment upon the subject will not hesitate asking for it.

MR. LEWIS E. SMITH, of Pasadena: I am not representing Pasadena, though I live there. I want to point out the fact that in Pasadena the system of cost accounting is being carried out through the regular channels of the Auditor's department, and not through a bureau of efficiency. I think the difficulty upon which cities may run through this system of cost accounting, is largely due to putting it in the hands of men who constitute a so-called bureau of efficiency, men who are themselves generally impractical and inefficient. Pasadena had, under the former administration, a bureau of efficiency, really a bureau of inefficiency, and Pasadena under the present system has a much more efficient administration without that bureau of efficiency. The difficulty of getting these new ideas out, is putting them through the hands of men who have a great fad and a strong leaning towards statistics, who seek to hamper rather than to help the various departments by giving an assisting hand, and calling for reports where they are unnecessary.

MR. E. Q. TURNER, of Berkeley: I want to say that Berkeley has adopted a plan along the lines of which Mr. Dolge has spoken. We have been fortunate in having in Berkeley as our Auditor Mr. Hanscomb, whom all of you know who have been making a practice of attending these annual conventions. He is quoted very widely now, because of his ability as an accountant. The Street Department, over which I have control, being Commissioner of Public Works, has to number every job, and if a requisition is made out for rock, screenings, oil, lumber, nails, or any other item, whatever is necessary, the number of that certain job has to be upon the requisition, and the Auditor is in a position to give the facts in regard to the cost and elements of cost of that work. We believe, as Mr. Smith has just said, that in some of these matters we may be hampered sometimes, and no doubt will, and yet we may later on be convinced that it will do us more good even though it may seem to hamper us occasionally. On the matter of a budget would say, we prepare one in Berkeley every year. Along in May and June we commence to discuss the needs of our department for the next succeeding year, and during the month of August, when we are sitting as a board of equalization, we take the matter up and discuss that. Under our charter, as we have the Commission Form of Government, the Commission has to sit as a board of equalization from the first Monday in August until the last Monday in August. So we have ample time to discuss those matters. The first thing we do is to find out what our income is going to be. Mr. Hanscomb thinks we are beginning at the wrong end. He thinks we should begin by finding out what we want to spend and not what we are going to have to spend. But we think we save ourselves trouble by finding out the possible income for the city here, and then divide it up as well as we can among the several departments. The Street Department is the department in which, as you all know, a greater or less amount can be spent, and the greater the amount, the greater the amount of public com-

fort. We have tried in the last few years to oil all of our streets. Each year we spend from \$10,000 to \$15,000 in that way. We have done that this year and we aim next year to have \$30,000 to finish surface oiling on macadam streets. The Street Department is the biggest spender of the entire Public Works Department. We have a great many miles of macadamized streets, and very little with which to keep them up. I believe all of our cities should have a system of adopting a budget, as we find it works very well in Berkeley. At the first of the year we revise our budget to see how we are coming out. Each month we have a balance sheet given to us by the Auditor, which is of great assistance and a great guide to us in our expenditures, and I know of no man that is of more value to the executive departments of a city than an Auditor. We pay our Auditor the beggarly sum of \$150 per month instead of \$350 a month, as it ought to be. He is a most valuable man. Any community that has a good Auditor can hardly pay too much for him. He earns every cent he gets, gentlemen, and there is no question about it. I thank you. (Applause.)

CHAIRMAN DRULLARD: It is very evident that the concluding remark or suggestion of the gentleman meets with the approval of the Auditors. Anything further to be submitted on the subject?

MR. ALLEN H. WRIGHT, of San Diego: The only application of this cost accounting system in my office has been in the matter of the cost of elections, and I have figured out that the average cost of the vote taken in a charter amendment or bond election runs about thirty cents to seventy cents for every vote cast according to the election. I have segregated the costs of those accounts under such headings as rental of voting places, paying of election officers, printing ballots, cost of office hire and miscellaneous. In our city, we pay election officers \$3 a day and one cent a name for each voter. I would like to get some suggestions from some of the other city clerks present as to their method of paying election officers. Some of our election officers, now that they get an extra hour of time for

the casting of ballots under the new law—it running up to 7 o'clock in the evening—some of them who have been on the board a long time think they are not adequately paid at \$3 a day, and a cent a name. I would like to hear from some of the city clerks as to the pay of election officers.

CHAIRMAN DRULLARD: Is anyone present prepared to answer the question?

MR. DOLGE: Not to answer the question, I would like to point out something in connection with the cost of elections that may be of interest. The cost of a bond election is properly a charge against the bond issue if it carries, if you want to so make it, and the only way you can make the charge is to develop the cost of your elections.

MR. H. L. MOODY, of San Diego: We are having bond elections about every other day in San Diego, and it is getting to be a burden on the general fund. However, we have taken the matter up with our City Attorney, and he has advised us that it is an impossibility to do as Mr. Dolge suggests, that the money raised upon a bond issue is to be spent simply and solely for the purpose for which the bonds are voted; he says that we cannot charge that to the bond fund at all. Consequently, the poor old general fund gets the burden in our city. If the gentleman has any legal opinions of that kind or anything that will convince our City Attorney, we will be very glad to know it.

MR. DOLGE: I don't know that I can convince the City Attorney. I would merely like to point out, however, that the City and County of San Francisco has done exactly that, and so have some other cities. I think that is one of those cases where the man telephones to his attorney and says, "I am in jail here for such and such a thing," and the attorney responds, "They can't put you in jail for that," to which the client responds, "But I am in jail".

MR. MOODY: With reference to the auditing of accounts, I am a new hand at the business, have been in office only since May, and I find there is a multitude of troubles coming up all the time with reference to the segregation of ac-

counts. We have, as you know, the semi-commission form of government. We have a Purchasing Bureau. The Purchasing Bureau and the Auditor's office should be very closely connected. In some respects, we are working nicely along that line, and in some respects we are not. The chief trouble, I find, is the failure of the Purchasing Department to give the data to the Auditor's office in the matter of purchases. If a request comes into the Purchasing Department, the department then issues an order for the goods or the labor or the material, the Auditor's office is not informed of that transaction until the bill comes in for payment. Since I have been in office I have been endeavoring to correct this fault. The Auditor is supposed to know the exact condition of the account at any time. In San Diego we are not able to do so, until we consult with the Purchasing Department, and we want that remedied as much as possible. It seems to me that if the Purchasing Department of the city should require of the different departments in their requisitions sufficient data to enable the Auditor to properly post that particular item, it would be of great service to the department. I understand there are not many cities in the State that are burdened with a Commission Form of Government at present. I think most of you will be in the near future, when you understand the proposition. Segregation of accounts in the Auditor's office is an important factor. As I understand Mr. Dolge of San Francisco, the Street Superintendents, in the matter of costs of maintenance, grading, paving, and street sprinkling, should work out their own costs. It seems to me that, if the Auditor had the proper data on those items, the Auditor's office would be the place to work out the statistics—if, I say, he could get the proper data. It is up to the other departments of the city to properly inform the Auditor, giving information so he can do those things. If you can give me any information that will help me in inducing the Council, the Purchasing Department, and other departments of the city, to give the

Auditor a proper information, it would be of great assistance to me.

MR. DOLGE: The gentleman who has just spoken brings up a very important question, but purely a question of policy, as to whether the Auditor shall develop the cost, or whether the Street Department shall develop the cost. That would depend something upon the Street Department and the size of the Auditor's office. In a very small town, where the Auditor is the accountant, the mathematician and the bookkeeper, it would be better if he were the one that developed the costs. But in a larger city, where the Street Department is large enough to require its own timekeeper and its own bookkeeper, for example, on work that is done under the Vrooman act, and work that is done under the street improvement act of 1911, it is actually better to have all the costs developed in the Street Department, because the Street Superintendent is more interested in the cost detail than anyone else. He is the only one to whom it has any practical value. To the Auditor, it is purely a question of statistics, and the Auditor would not catch an obvious error, if it were arithmetically and mathematically correct; that is to say, if there were presented to the Auditor original information which was wrong because the decimal point was in the wrong place, he would not catch the error, because he does not know enough about the detail of street work to see it, whereas your Street Superintendent would instantly detect an error in cost of that kind, because he would know what the relative costs should be. That is, I think, a matter of policy to be determined by the Commission and by the Street Department and by the Auditor. It seems to me that, in the larger cities, whenever any detail can be accounted for in a department, the Street Department or the Library Department or any other department which is large enough to require a bookkeeper, that that detail should be developed in that particular department, and that the Auditor should get the details at the end of the month, and reconcile them with his own accounts. As to the other questions, with

reference to the segregation and classification of expenditures, I don't know whether the city incorporates the budget in its accounts or not. Do you incorporate the budget in your accounts?

MR. MOODY: Yes.

MR. DOLGE: To what extent?

MR. MOODY: We start at the first of the year before the tax rate is established as being for each department.

MR. DOLGE: Yes, but you don't take that to your ledger?

MR. MOODY: Oh, no; we don't get that on the ledger.

MR. DOLGE: That is the point. If you made up your budget and put it on a double-entry system, and gave each department credit for the amount that you have set aside for that department in your budget, then your items of expenditure would be chargeable against those budget items. Now, if you will start at the beginning and arrange your budget in the order of the classification that is called for in the Controller's report, you won't have any difficulty in classifying your expenditures as the year goes along. That is what Pasadena is doing, and what San Francisco is doing, and what Vallejo is doing, and what quite a number of other cities are now doing.

MR. HANDLEY: Los Angeles, too.

MR. FRANK KASSON, of Palo Alto: In 1909, in July, Palo Alto adopted a Commission Form of Government. We come nearer, I think, than any other city in California to having a city manager who is our City Engineer, Superintendent of Streets and in charge of all of the work under the Department of Public Works. Our Engineer, or our city manager, estimates all of the cost accounts, the expenditures that go through his hands, and they are completed before they go to the Auditor. So that the Auditor knows just how the accounts will stand. As Mr. Dolge has just said, we have a budget, and we know all of the proportions for each department in our accounts, and all charges are made against that, and no expenditures can be made except in accordance with the appropriations made, without special appropri-

tions are thereafter added. We have a most perfect system of accounting, I think, and almost in line with the requirements of the State Board and the Controller. Nothing can be purchased in our city without requisition, not even a five-cent item, and in our segregation of accounts, our segregation receipts, every expenditure is outlined, so that at any time we know just what has been expended and for what purpose, and we also know the absolute cost of every item, even a square yard of street sprinkling, and all of the details that Mr. Dolge has brought out. I think it is all carried out in our system of accounting in Palo Alto.

MR. O. W. MAULSBY, of Whittier: I would like to ask a question at this time. Is the budget itself carried to the accounts of which you have spoken—is that the estimate made before the assessment is made, the estimate of the year's accounts, or is it the amount which the assessment, the taxation will amount to?

MR. DOLGE: It depends somewhat on conditions. In the City of San Francisco we are compelled under the charter to make up a budget of our expenditures, our estimate of expenditures for the fiscal year, before we know the exact amount of the tax roll. And so the budget committee very wisely sees to it that the estimate of the expenditures is within the estimated amount of the assessment roll, the result being that we always, or nearly always, have a contingent amount over; that is, the assessment roll will actually run more than the estimate, and there will be a surplus over that can be used by the Board of Supervisors for contingencies. In a great many cities, however, it is feasible to wait until the first of August or thereabouts until the tax roll has been definitely determined, and the budget then can be made out, the expenditures can be made out exactly. You must not lose sight of one thing in this connection, that even when you know the exact amount of the tax roll, it does not follow that you are going to collect every cent of that. There is a certain amount of delinquency that you must make pro-

vision for. You can't appropriate every cent that you theoretically expect to collect.

MR. MAULSBY: I can't follow that plan for an account that is not directly connected with the city's statistics, and at the same time I was experimenting upon it and using it as an estimate or as a check back for the use of the different departments. After the assessment has been made and the tax determined, I have carried that to a different fund, and, by carrying the amount of tax directly to those accounts and during the year carrying such receipts from the general fund and other funds as come in outside of the regular tax, I have always gotten at the amount of expenditures for the different departments, and so determined what remains in the funds for the use of any given department. The question occurred to me as to whether that was the object of your plan or not, Mr. Dolge?

MR. DOLGE: The keynote of the budget system of accounting is to do away with all the funds except those that are absolutely provided by the State law, that is to say, in cities of the fifth and sixth class, you must have a library fund, and you must also have the bond funds. But it is not necessary for you to have any funds other than that except the general fund. If you incorporate your budget in your accounts, then in place of having separate funds in the treasury which are accounted for by the Treasurer, all the expenditures are charged up against the account, each of which takes the place of a fund, and the consequence is you don't have to apportion, as you are doing, the taxes as they come into the street fund and the sewer fund and the salary fund and all the rest of the funds down the line.

Q. What do you do in ease your charter provides for separate funds?

MR. DOLGE: I have never seen a charter yet that was not subject to several constructions, and it all depends upon whether you are endeavoring to do an immoral and dishonest thing, or an honest thing that will aid in the efficiency of your administration. There are cases when you can't get around your charter,

and it is a poor accountant who cannot accommodate himself to the conditions of his charter. As an example, I will cite the case of Pasadena. It has a very curious provision to the effect that there shall be as many departments, they call them, as there are functions of the government. So, under the former accounting system, they had the general fund and they had an executive fund, and they had the Commissioners' fund and a library fund, and a bond interest fund, and a street bonding fund, and a street widening fund. You know they have gone under a Commission Form of Government, but that particular section of the charter was unchanged. I took up the matter with Mr. Munger, the City Attorney of Pasadena, and I suggested to him that that section of the charter could be construed to mean that the word "department" and the word "account" are one and the same thing. Therefore we have done away with the executive fund and the Commissioners' fund and the library fund, and there is one other one, I have forgotten it, and we have combined all of those into the general fund. It does not affect the accounting in any way. The demands have to be verified just as all other demands are. It does not make any difference whether a bill is payable out of the general fund or out of the library fund. The only reason for having the fund is the attempt to separate disbursements in order to get at the cost, and if you can get at the cost in a better way, why not do it in a better and simpler way? It is rather a difficult proposition to explain that without the help of charts and without the help of books. But if you can find the time, I am sure that the Auditor of Pasadena will be very glad to show you exactly what he has done there and how they are getting the same result with the use of one general fund in place of several funds.

A DELEGATE: Our charter provides several funds, the sewer fund, salary fund, police fund, and then says "and such other funds as the Council may designate", and they have got about thirty-five or forty funds all together.

MR. DOLGE: Right there—such other funds as the Council may designate, you say. If the Council has designated them once, the Council may rescind its order and cut it down to the charter funds, and if things are very, very bad in the charter, he can simply have a single account in the account and demand register, which could be called "Funds", which

includes them all, and then afterwards segregate them at the end of the month.

CHAIRMAN DRULLARD: Gentlemen, shall we consider the discussion of this subject closed for the present? If so, we will take up the next number on the program, which is a paper from our secretary, Mr. H. A. Mason, on the subject of "Scientific Assessments."

OBSERVATIONS ON VARIOUS SUBJECTS

H. A. MASON

THE GERMAN SYSTEM FOR SMALL CITIES.

We are getting close to a rational scheme for the administration of municipal affairs. We are beginning to realize at last that a municipal affair is a business affair; that a municipality is a big industrial organism, formed for the purpose of rendering certain special kind of services for the numerous individuals that compose it; that the rendering of these services does not call for the intervention of a political party or a party boss or any particular form of intermediary body to lay down a policy to be implicitly followed under all prevailing conditions and circumstances.

We are beginning to see, however, that in order to secure the greatest amount of service to the individual at the smallest cost we must place the direction of the municipal machinery in the hands of someone who knows the business of rendering that service, and by education and experience is able to turn out the largest output of service at a minimum expenditure of energy. (Energy is the comprehensive term that signifies combined time, money, effort.)

We are beginning to realize that one man who knows how to produce all the service that municipality has to perform is more capable of rendering efficient service than five or more men will be, each of whom only knows how a part of that service should be produced.

The people who live in the German cities realized this simple axiom many years ago and for more than a genera-

tion have entrusted the actual management of their municipal affairs in the hands of a master whom they call their burgomaster. In the course of time these burgomasters become highly skilled men in their profession—*i. e.*, that of managing cities—and a rivalry was created among the cities to see which could obtain the most skillful workman to take charge of the city's business. So when a burgomaster developed proficiency in one city, another one, perhaps larger and richer, sought to secure his services by offering him a higher salary.

So you see there was always an incentive for the burgomaster to put forth his best efforts—to become a better official—to establish a reputation for proficiency in his work. He had advancement and honor and a reputation to achieve and it would not have paid him to serve a political boss or to favor a public utility corporation or close his eyes to petty graft, to do any of which his city would have been injured and his future ruined.

So whether we look at this system from the standpoint of the public or the standpoint of the burgomaster we cannot help but note that it can scarcely keep from working out in favor of the community.

More than ten years ago I commended this plan to a board of freeholders who were framing a new charter, and while they listened attentively and agreed to what was said, they lacked the courage to put into a concrete form the plan suggested. This same city is now consider-

ing the framing of a charter along the lines then suggested, which shows that the world does move, though not so fast as we want it to.

The German system is being vitalized in this country under the name of the "City-Manager Plan." It is being talked about and Boards of Freeholders in framing new charters are seriously considering it. Even the smaller cities see its merit and wonder how it can be secured. They wonder how they can get a manager—a competent one—at any sort of a salary that they can afford to pay.

Which leads me to call attention to another feature of the German system. In Germany the same burgomaster may serve half a dozen cities and this is not unusual. A single manager may serve a population of 100,000 people. Six cities each contributing \$1000 a year each to pay for the services of a capable man will receive a much more higher quality of service than to contribute \$2000 for the exclusive services of a manager of mediocre ability.

There is no reason why such a plan should not work successfully, provided that our smaller towns can overcome local jealousies and unite in selecting the proper individual. It would be economy and in the long run prove as efficient as the manager plan in a large city.

It will take some time to produce a trained manager—training takes time. We have no thoroughly trained city managers at present, but we undoubtedly have plenty of men with latent capabilities—men who have the ability to make good if given a chance, and we ought to give them the chance just as soon as possible. The quicker we give them an opportunity to develop, so much quicker will we get practical results.

Now is just as good a time to commence as next year. Where is the group of small cities in California ready to try the Plan?

CITIES TAKE OVER WATER WORKS.

A number of municipalities have recently taken over the water supply of their respective communities and several others have negotiations pending with the same object in view. In several cases

the services of the Railroad Commission were secured for the purpose of determining the value of the system and fixing a price for which the city could buy it. It would be well if more of our cities would pursue the same course. While the advantage of securing the control of its own water supply may not be apparent just at present, the time will surely come sooner or later when such control will be imperative, and when the time comes it may be very difficult to get such control. For example, a public service company just at present may have its system in good condition and is giving fair service and everybody may be satisfied. But the public has no assurance that it will be kept up or that needed extensions will be made. Depreciation may not be provided against, the system be inadequate, or obsolete, or both, and the voters may not wish to buy and then trouble is sure to occur. Or if the city does buy it will find that it will have to spend a considerable sum to rehabilitate the system, whereas, if the purchase is made at once, its extension or rehabilitation may be made gradually and provided for out of the revenue. One can always make a better bargain when he is not compelled to buy the thing he wants. Moreover, the present Railroad Commission appears to be anxious to do the fair thing by both parties, and we have no knowledge as to the future. Future railroad commissions may not have such a reputation and then we find it difficult to get the consent of both parties to agree to its appraisal. Therefore if municipalities are wise and have forethought they will take up this matter seriously and see if they cannot make terms by which their city can take over its water supply. Nearly one hundred cities and towns in the State have municipal water systems.

CITY PLANNING.

To have a city plan is a good thing in the abstract. Everyone will agree that it is better for a town to develop in response to a predetermined scheme and thereby make its future administration a lot easier and cheaper. It is always good to have an ideal to work towards, and this is true whether the ideal

belongs to an individual or to a city. But somehow we do not seem to get anywhere when we have the plans made; there seems to be something lacking. We can hire some one to make plans and offer suggestions that all admit are most excellent and then we file them away and forget all about them. I have wondered why this is so and the only reason I have been able to see for the failure of city plans to eventuate is because one important point was overlooked. Any improvement costs money and our city planners have forgotten to suggest a plan for raising the wind necessary to make the mill go. So our plans are consigned to accumulate dust in the public archives, waiting the coming of a real planning expert who will start in below the ground floor and construct a financial foundation for the scheme. Of course, before this can be done, the planner will have to make a study of the subject of taxation and when he does that he will learn about unearned increment and social values, and community wealth, and then—well, then he will have to show the people how to get the real money.

STATE ROADS IN CITIES.

It never has seemed to me that it is the fair thing for the State to build State highways up to the limits of an incorporated town on each side of it and then quit and say to the town, "Now get busy and fill the gap or get all the cussing that the automobilists will give you for having such a rotten piece of highway."

Look at it carefully. The people of the cities furnish the bulk of the credit that sustains the State's credit on its bonds, will do just as much to pay the bonds when they become due, but do not get any of the highway. Besides that the State gets the revenue from the automobile license tax and gives half of the

net amount of it to the counties which may use it to keep the State highway in repair, but the cities get not a red cent. And still worse, the city's police force and its police courts must enforce the automobile law at municipal expense, but all the fines go—not to the city, but to the county, which may use the money to keep up the State highway.

The State tells the town to build the State highway within its limits and pay all the cost, keep it in repair and pay all the cost without any assistance from the State, except in the way of advice, and this in view of the fact that one hundred automobiles belonging to citizens at large traverse the highway to every one machine owned in the town. Again I repeat, that this is not a square deal and if I was a city official of a town that was compelled to build a State highway under these circumstances, I would die, not or be recalled before I voted to spend one blamed cent of the town's money for that purpose.

THE ANTIOCH CASE.

The Railroad Commission has decided the Antioch case and all municipalities that are served by the Pacific Gas and Electric Company are, or may be, affected by this decision. The Commission made a valuation of all of the properties of this company and determined the proper charge for electricity delivered to the substations. This price is slightly in excess of seven mills per kilowatt hour. With this as a basis, it becomes a comparatively easy matter to fix the cost of distribution in the various communities. It might be worth the while for the municipal officers to seriously consider the matter of fixing the local rates for electricity, something that has been impossible to do heretofore because of lack of data upon which to find the cost of generating the current.

MUNICIPAL REVENUE AND EXPENDITURE

[Before the Second Annual Conference of the League of Pacific Northwest Municipalities, held in Portland, Oregon, October 1 and 2, 1913.]

HON. C. M. FASSETT, *Commissioner of Public Utilities, Spokane*: The subject of my address today is a very comprehensive one, covering practically all the activities of a municipality. I do not intend, however, to discuss it in detail, but hope, instead, to outline some principles relating to the subject which will be worthy of your consideration.

A settler traversing a new country finds a locality which seems a desirable place for his home. Selecting a location which pleases him, he builds a cabin and installs his "Lares and Penates" therein. His needs are simple, and he finds the means of supplying them by his own efforts. He must have land, and he files on a government homestead. He must have water, and he locates a spring or digs a well. He must have food, and he plants a garden and hunts for game or fish. Less pressing needs are supplied by an occasional trip to the nearest trading point, where the products of his land or the trophies of his rifle are exchanged for his simple requirements.

Then neighbors come, and, as the little community grows, there develop needs that can be supplied only by collective action. These naturally multiply with growth, until all the complex functions of a modern municipal government come into being, and the simple life of the frontier settler is a memory of the past. The land, which was worthless until occupied, has grown immensely valuable. Every new inhabitant has added to this value, but the increase has been so slight by reason of each individual's coming, and the veneration of "private property"—an inheritance from the landed aristocracy of Europe—is so strongly fixed in the mind of the American citizen, that few have thought of taking for the common needs of the community the

land values created by the community, which, without injustice to anyone, would have furnished ample means for the abundant supply of all their growing collective necessities for all time. So, the citizens must provide a fund to pay the cost of the things they can do better collectively than individually.

Of course, each citizen might do for himself most of the things which the municipality does for him. He might dig a well or carry his own water from the river; might employ a private instructor for his children; keep the street in front of his house cleaned and sprinkled; he might undertake to supply his own police and fire protection, cremate his own garbage, or even light his premises with his own gas or electric plant. But this would be sheer folly. To save waste and expense, we unite in supplying more and more of our common needs, and, to meet the costs of the things we desire to do collectively, we must have public revenue. The logical source of public revenue having been overlooked or neglected, the important question arises: How shall the money necessary for supplying our collective needs be procured so as to place the burden where it belongs?

Very many theories have been proposed, and very many schemes followed. There are whole countries in the world today where the people are centuries behind their normal development by reason of their failure to comprehend and work out the answer to this great question; where rulers or governing bodies still cling to the taxing methods of the Middle Ages and get their revenues in the way which produces the "most feathers with least squawking," where a reward is offered through unjust taxation for indolence and shiftlessness and improvidence, and where punishment is meted out for industry and thrift and truthfulness. Can we honestly say that this condition does not prevail, to some extent at least, in our own country today? How about the man who holds

valuable land vacant in the thickly settled sections of our busy cities, paying less taxes than improved adjoining property, and forcing us to bear the extra cost of carrying by and beyond it every municipal activity in order to reach the man who improves and uses his property? How about the man who perjures himself to get his belongings assessed for a title of their real value? How about the man who keeps his money in banks or his fortune invested in securities which can be easily concealed from the assessor?

Most of our revenues must be raised by general taxation, the theory of which, regardless of the inequalities and injustices which have developed in putting it into practice, is that the owner of property of any kind should pay for public activities in proportion to his individual wealth. This is not what general taxation really accomplishes; it is only what it purports to do. After a century of trial in the United States we confess a failure in even approaching justice in its administration, and are opening our eyes to the equity of a newer system of taxation which is being used across our northern international border.

There is only one thing which cannot escape the assessor, and that is land. There is only one thing whose value is created by the simple gathering of the people upon it, and that is land. Land is the one thing which we all use, the value of which we all aid in enhancing, and it is the only thing which can be taxed without taxing thrift and industry.

Some day we will come to realize this, and put the realization to our use. Until then, general taxation will mean general injustice.

A side from general taxation, the two principal sources of municipal revenue are liquor licenses and franchise taxes. Considering the former, it is a grave question, putting aside the ethical aspect of the business, whether or not the income from this source equals the expense which it entails. I incline to the belief that no city ever made any net gain in revenue from the liquor business. But as long as it is tolerated, it certainly

should be called upon to pay a heavy license.

Franchise taxes amounted to \$18,000 in Spokane in 1912, paid by the various public utilities. This revenue goes into the general tax receipts, though taken from the earnings of the utility corporations. These earnings are made up of the price paid by our citizens for the service rendered by the utilities, and this revenue thus becomes a tax for the benefit of the whole community, but borne by the users of the particular utility. When a citizen pays a gas bill or an electric light bill or a telephone bill or a street car fare, he is paying not only for the specific service rendered to him, but he is also making a contribution to the general tax fund of the city. This is manifestly unjust. So long as we are willing to allow a private corporation to operate a public utility, any profit above the operating and maintenance costs and a reasonable interest on the capital invested should go to the users of that utility in lower rates or better service, and not into the fund raised for other public purposes.

Besides being unjust, a franchise tax is a confession of weakness. It was invented at a time when we had no means of regulating or even knowing the earnings of public utility corporations, and felt that as they were probably excessive we would take a portion of them for the public. We had no access to their books of account, hence we based our demands upon gross revenues or some such arbitrary and unscientific standard. But now, with the means of regulation of both earnings and service which we possess in the various regulative commissions, we should abolish all franchise taxes and if any benefit is to accrue to the public from this source, let it be in the form of lower rates or better service to the users of the various utilities. We can stop destructive competition and the attacks of venal legislators, and can demand and enforce common justice in most of the cases in which we can determine what is common justice.

Publicly owned utilities must earn revenue, but I have not considered them as contributors to general municipal

revenue because I believe it wrong to take from their earnings any contribution to the general purse. The rates to various classes of patrons should be first adjusted on a basis as nearly as may be to what is just and equitable, and then reduced as soon as earnings justify it. Whether or not, or to what extent, additions to capital should be taken from earnings, is a question of administrative policy which must be decided for each city by its own government, and which need not be here considered.

Many cities boast of the profits of their municipal enterprises, which are applied to general governmental expenses in order to reduce the tax rates. They should be ashamed of such a showing! The City of Manchester, England, shows a profit on her gas, street railway and electric light utilities of nearly a million dollars per year, but is reported as neglecting her workmen, economizing in operation to the detriment of service, and keeping charges so high as to place a great burden upon her poorer citizens. Municipalities should be model employers of labor, restricting employment to their own citizens, giving preference in employment to heads of families, and making wages, hours of labor and conditions of general welfare such as to produce and foster good citizenship. Private industrial concerns, all over the world, are finding that it pays to do these very things; and shall our collective undertakings, representing the intelligence and humanitarianism of the whole people, lag behind the operations of more or less selfish aggregations of capital in these movements for better conditions and more hope for our working people?

In the conduct of our collective undertakings, we should see to it that those who labor for us are treated as men and women from whom and from whose children we expect good citizenship, and not as beasts of burden. Then, we should insist that the service given is a little better than like services of privately owned utility corporations, and, when this is done, rates should be equalized and adjusted so as to cover more than the cost of service.

The amount of taxes to be levied to meet any year's municipal expenditures is a matter of judgment as to the city's needs, on the part of the city officials. There is always considerable pressure brought to bear at both ends of the line, and ordinarily more attention on the part of the public is centered at the city hall at the time of making up the annual budget than at any other time of the year. Heads of departments, wise to the usual attitude of the city council and the heavy taxpayers at such times, generally ask for more money than they expect to receive. Some citizens who are particularly interested in specific activities or measures, are present in force, trying to get extra appropriations for their hobbies. Others, usually representing the heavy property owners, are on hand urging cuts in the estimates, arguing against every proposed increase in the taxes, demanding closer economy in every branch of the government, pleading, threatening, cajoling, browbeating, using every means in their power to keep the taxes at the lowest point, often ignorant of the needs and regardless of the welfare of any other class of citizens but their own. Between these fires the city council treads a dangerous and uncertain path, knowing that criticism and condemnation will be their lot, regardless of their decisions. They know that many of the departmental estimates of expenditures are guesses; they believe that many items are padded or doctored; and they feel that all must be trimmed in order to prove their worth as "watch dogs of the treasury." They can, from their own ignorance of real needs and actual costs, appreciate the feeling of the man who wrote:

"There was a man in our town,
And he was wondrous wise;
He told the City Fathers
They should economize.
He talked about the budget
In a most familiar way,
And said to cut the levy
Was naught but children's play.

That very man was chosen,
Much to his own surprise,
To scramble through the brambles
And put the others wise,
But when he saw the job it was,
With all his might and main
He jumped into retirement—
And never kicked again."

In cities which have adopted the commission form of government, budget-making is less difficult, from the fact that administrative heads constitute the legislative body and, knowing more of the details of administration, have a better idea of the city's needs than the ordinary alderman, who has only legislative duties. But even here the task is no easy one. False ideas as to what constitutes economy are a great stumbling block, and to this aspect I wish to call your attention.

Many people, in considering the desirability of a city as a place to live in, give too much weight to its bonded indebtedness and its tax rate. As a matter of fact, these are not the important factors, unless they are considered in conjunction with the benefits which have been—or are being—furnished with the revenue obtained thereby.

Economy—public or private—does not consist in denying ourselves any good thing which we want and are able to pay for. It does consist in getting a dollar's worth of service or supplies for every dollar expended. Our consideration must be given to the needs of the great mass of our citizenship, not particularly to the heavy taxpayers, the landlords or the prospective citizen who desires to invest his money. What can we do, within the limits of our reasonable ability, to make our city a better place to live in and to work in? We must have a healthy city, and we cannot afford to wait for our cleaning up until some great and fatal epidemic is upon us. We must furnish pure water and care for our wastes in a way which will not allow them to become a menace to the lives of any of our citizens. Most cities spend too little upon the preservation of the public health; it is the last department in which expenditures should be cut in times of financial stress.

I have been trying for two years to get an appropriation for the free collection and disposal of garbage in Spokane. A year ago we made a campaign for this measure and obtained the endorsement of every civic body and neighborhood club in the city, with one exception. The initial cost of inaugurating the system

would represent about one and a half mills addition to our city tax rate, and yearly maintenance thereafter would cost about one mill. There are 27,000 taxpayers in Spokane, and I assume that there are about the same number of families. Forgetting for a moment the benefit to all our citizens in having a clean and healthy city, I assumed that the money benefit to each household from free garbage disposal would amount to \$5.00 a year, and that if 10 per cent of our taxpayers paid 75 per cent of our taxes—which I believe is about correct—then, in order to raise one mill, 90 per cent of the taxpayers would pay an average of 83 cents per year, and 10 per cent of the taxpayers would pay \$25 per year, for this service.

If this measure were based solely upon the saving of money, free service would be manifestly unjust, but we are beginning to learn the vital interest each citizen has in the well-being of all our people, and this consideration puts the question in a different light. As a matter of fact, when—as now is the case in Spokane—each householder must pay for the disposal of his wastes, only a comparatively small number of families use the crematory service, and much garbage is dumped in vacant lots and secluded spots where it lies rotting, a menace to the health of all of us.

The citizen who cares for his wastes is as likely to suffer as he who does not, and, if filthy conditions exist in any part of your city, it is a direct menace to your life, and the lives of members of your family, regardless of how careful you are of your own premises. Your child's pet dog is likely to bring infection into your home any day from these fester spots. It is not economy to omit this care of the health of your people, no matter what its cost may be. We are our brother's keepers, for reasons of self-protection, if for no other.

The care of the children demands our attention, and for like reasons. The citizens who will bear the burden of our civilization in the next generation are growing up today in the middle class and poorer homes. Money spent to give them a better and a broader life will come

back to us in the safety of the lives and fortunes of our own children. It costs money to give them schools and libraries and medical inspection and dental treatment and parks and playgrounds; but it will be returned to us in decreased expenditures for corrective institutions and a better and higher standard of life. We cannot afford to advocate a destructive policy of public administration by the lowering of public expenditures below the point where they will yield useful and efficient city government. The welfare of the 90 per cent of our citizens who pay only 25 per cent of the taxes deserves our first consideration, and their needs will not lead us along a course of cheese-paring niggardliness in the expenditure of public funds. Unless we can make it easy for the man who works with his hands, to bring up his family in healthy and wholesome surroundings, unless we see to it that his children have a fair show to grow into strong and useful citizens, we cannot hope to perpetuate free institutions.

The taxes are going up. Let them go! so long as we get our dollar's worth. Taxes rise because we expect more from our government than ever before. The regulation of public utilities, better sanitation, better paving and lighting and sewers, mothers' pensions, better roads, medical and dental care for the children, isolation and emergency hospitals, supervised playgrounds, justice in industrial accidents, better schools and libraries, all cost more; but they return more to us in better lives, more joy in living and greater safety to our homes and fortunes.

If we pay less for schools and the care of children, we must pay more for jails and corrective institutions; if we pay less for sanitation, we must bear more cost for sickness and death. Most people do not feel that they personally are getting anything for the taxes they pay, when, as a matter of fact, they get more than for any other item of their expenditure.

THE MUNICIPAL RAILWAYS OF SAN FRANCISCO

E. A. WALCOTT, in the *National Municipal Review*, July, 1914

San Francisco's municipal railway system has been in operation since December 28, 1912, when the Geary street road was opened from Kearny street to Thirty-third avenue and the Park. Since that time it has considerably extended its operations. On June 24, 1913, the Geary street road was opened from Kearny street to the Embarcadero on the east, and from Thirty-third avenue to the ocean beach on the west, making a road a little over seven and one-half miles of double track. On August 26, 1913, the people voted to authorize a bond issue of \$3,500,000 for railroad extensions. On December 11, 1913, the municipal railway added three and nine-tenths miles of road by the purchase of the tracks, cars and equipment of the Presidio and Ferries railroad, usually known as the Union street road,

on the expiration of its franchise. On April 6, 1914, ground was broken for the construction of a line on Van Ness avenue from Market street to Fort Mason and the grounds of the Panama-Pacific International Exposition, which will add three and seven hundredths miles of road by September 1. The contract for laying the extension of this line across Market street and over Eleventh street and Potrero avenue to Twenty-fifth street, two and two-tenths miles, was awarded in the month of May. The contract for the road from Stockton and Market streets to the Exposition grounds will be awarded a little later, as will that for a tributary line in the western district from Geary street and Second avenue out California street to Thirty-third avenue. With the construction of these roads the city will

have two main lines running east and west, connected by two cross-town lines with a total length of about eighteen and seven-tenths miles. In addition, money has been voted for a line to run from Van Ness avenue and Market streets west to Church street and out Church to Twenty-ninth street, two and forty-five hundredths miles, but the objection of the Church street property owners to paying for the changes of street grades necessary to the road will probably postpone construction of this line for a long time.

The accounts of the operation of the Geary street road from its opening on December 28, 1912, to December 31, 1913, have recently been published and show a fair degree of success for municipal operation. The summary of the figures is as follows:

Operating revenues.....	\$444,747.73	
Operating expenses.....	291,431.36	
Net operating revenue.....	\$153,316.37	
Add miscellaneous income.....	1,328.64	
Deduct taxes.....	\$35,454.00	\$154,654.01
Interest on funded debt	73,886.54	
		109,340.54
Net profit.....	\$45,304.47	
The taxes include the following items:		
Taxes (comparison charges required by charter.)		
Municipal franchise, 3% on pass. revenue	\$13,331.79	
Municipal car license.....	547.50	
State franchise, 4% on gross revenue	21,125.51	
Federal income, 1% on net income	449.20	
Total taxes	35,454.00	

The operating expenses include, besides the cost of wages, salaries and materials, an allowance of \$80,054.50 for depreciation and accidents (based on a standard allowance of fourteen per cent of gross revenue for depreciation and four per cent for accidents), and a charge of \$4,587.33 for services rendered by other city departments.

As the repayment of the debt does not begin until 1915 no allowance is made for sinking fund. The bonds issued are serials, and \$101,000 will fall due each year from 1915 to 1934. The question whether the net profit will meet the

sinking fund requirements is very naturally raised, and there seems no doubt that it will be sufficient unless the pressure to put more men on the road than are required for economical operation becomes too strong, or wages are advanced or forces reduced.

The net operating revenue for the first six months of operation with a partially constructed road (December 28, 1912, to June 30, 1913) was only \$37,879.55. For the second six months it was \$17,494.90 in January, grew to \$52,219.86 in December, and still further advanced to \$58,969.50 in March, 1914. The net operating revenue will probably reach \$250,000 for the present year instead of the \$153,316.37 yielded in 1913.

Curiously enough, the municipal statement attempts to show a net profit from the road of \$85,345.80 by adding to the true net profit of \$45,304.47 the items of taxes and cost of services rendered by other departments. As these items are set aside as a replacement of loss to the public treasury through deprivation of revenue by public ownership, or expenses incurred on behalf of the road and paid for by funds charged to other departments, it is rather strange that they should be put forward as profits to the public through public ownership. In a sense, the amount that would be paid to the State and Federal governments in taxes may be regarded as a profit to the city, though even this is a doubtful item.

The Union street line is proving a better money maker than the Geary street line. It is about half the length, costs only \$312,000, or about one-sixth the cost of the Geary street line, and took in \$29,715.10, or \$958.55 a day, during March, against a daily average of \$1,902.24 for the Geary street line.

The service on Geary street has been much improved by the city's line, and this has had an effect of stimulating similar improvements on the parallel lines of the United railroads. The municipal service has not, however, had any noticeable effect in eliminating the "straphangers." It remains true on public as on private roads that the standing passengers pay the profits. The em-

ployees, however, are polite and accommodating, and there is an evident effort in the management of the road to suit the public convenience. The men appear well content, receiving a wage of \$3 a day for eight hours of work, and, except for the extra men hired on the "rush hour" runs, most of them complete their eight hours of work in a total of ten hours. (The rate paid on the private roads is from twenty-five to thirty cents an hour, depending on length of service.) The men are selected by civil service examinations and hold during

good behavior. They may, however, be dismissed without trial.

Altogether, the people of San Francisco are well pleased, thus far, with their experiment in municipal ownership of street railroads. It has not proved the gold mine that some of its over-enthusiastic promoters promised. But it has improved service, bettered the condition of the working force, paid its way, and given promise of securing the extensions that could not be secured under the regulations imposed on private ownership.

RECENT DECISIONS OF THE PUBLIC UTILITY COMMISSION (RAILROAD COMMISSION) OF CALIFORNIA OF INTEREST TO MUNICIPALITIES

Railway Crossing. Application No. 1051.—Applicant, City of Riverside, applies for permission to extend Magnolia avenue at grade, over the tracks of Salt Lake Railroad Company, and there being considerable opposition on the part of property owners and the city against a subway at this particular point, which it is claimed would greatly impair the value of this street and adjoining property, and parties interested agreeing that an electrically operated interlocking plant would sufficiently protect such grade crossing.

Applicant, Pacific Electric Railway Company, applies for permission to construct an unprotected grade crossing across the tracks of the Salt Lake Railroad Company which, owing to the number of trains which would pass daily over the tracks of both companies, would be extremely dangerous.

Held, Applications granted, provided Pacific Electric Railway Company shall install, within six months, a first-class interlocking plant with safety gates in accordance with Commission's General Order No. 33. Decided June 17, 1914.

New Depot. Application No. 1086—Applicant alleges that the present depot facilities of respondent in the city of Turlock are entirely inadequate to properly serve said city, and petitions the Commission to compel respondent to construct a depot of suitable size and appearance, and to separate its passenger from its freight depot; also to direct respondent to stop its train No. 50, operating between Oakland and Fresno.

Held, Respondent directed to file within sixty days, for the approval of the Commission, plans for a passenger depot to be constructed at Turlock to cost not less than \$10,000.00, and to construct said depot six months after the approval of such plans, provided city of Turlock shall acquire a certain strip of property adjoining the proposed new depot, remove the present structures thereon and park same. Respondent also directed to remove a certain siding crossing Main street, and to separate its passenger from its freight depot.

Held, Complaint as regards the stopping of train No. 50 dismissed. Decided June 17, 1914.

Extending Carfare Limits. Case No. 571—Complainant contends that the present five-cent fare limit of defendant at Davis street, in the city of San Leandro, is discriminatory, and should be extended to the easterly boundary of said city.

Held, That if the present limit is discriminatory as against such residents as live directly east, to extend the limit as proposed would likewise discriminate against the residents immediately adjoining the proposed extension. Complaint dismissed. Decided June 11, 1914.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

Electric distributing system, granting franchise for. San Bernardino County, 404-A.

Wood for fuel, regulating the sale of. Santa Ana, 404-b.

Closing street, abandoning and. Stockton, 404-C.

Unripe berries, cherries and other fruit, prohibiting the selling, vending or giving away. Ashland, 404-d.

Sanitary inspector, creating position, and providing sanitary regulations. Sacramento County, 404-E.

Automobiles for hire, fixing amount of license. Santa Ana, 404-f.

Delinquent water bill, providing penalty. Lordsburg, 404-g.

Electric Light, requiring all night service. Sonora, 404-h.

Firemen, allowing one day's absence in five. Oakland, 404-I.

Street sprinkling and flushing, ordinance of intention to order, and levy local assessments for. Coeur d'Alene, 405-A.

Concealed weapons, prohibiting the carrying of. Ventura County, 405-b.

Sanitary conditions of markets, restaurants, bakeries, creameries and other places where food is kept, ordinance regulating. Stockton, 405-C and 405-d.

Water rates, establishing. Selma, 406-A; Alameda, 408-B.

Billiard and pool halls, prohibiting the sale of any kind of liquor therein. Selma, 406-B.

Hay, straw and other inflammable material, regulating the storage of. Oceanside, 406-C.

Telephone franchise, granting. Selma, 407-A.

Business Licenses, establishing. San Fernando, 407-b.

Expressmen, moving vans, etc., requiring owners of to file a record of removals. Alameda, 408-a, and Oakland, 439-b.

Street railway franchise, granting. Alameda County 408-d, and 436-c, and 440-E.

Railway franchise, accepting abandonment of. San Diego, 408-E.

Intoxicating liquors to minors, prohibiting. San Leandro, 408-f and 438-a.

Traffic, regulating. Lordsburg, 433-A.

Sparring and athletic exhibitions, providing an annual license for. Huntington Beach, 434-A.

Horseless vehicles, requiring bell or horn on. Lindsay, 434-b.

Street railroad, granting franchise for. Lindsay, 434-c; Mill Valley, 436-b; San Diego, 437-A.

Gambling, prohibiting. Lindsay, 434-d.

Moonlight picnics and dances, prohibiting. Hayward, 434-E.

Water rates, establishing. San Diego, 435-A.

Business Licenses, establishing. Compton, 436-A and 445-a; South Pasadena, 448-a.

Public Health, relating to and creating board of health. Mill Valley, 437-b.

Special Tax, calling election to vote on. Redondo Beach, 437-d.

Life preservers, life boats, etc., prohibiting the interference with. Venice, 438-b, 440-b.

Traffic and speed, regulating, and prohibiting the deposit of things liable to cause tire punctures. Hanford, 438-d.

Billiard, pool and bagatelle rooms, regulating. Santa Cruz, 438-C and 442-a.

Street opening, ordering. Eagle Rock, 438-E.

Ball playing on streets, prohibiting. Venice, 438-f.

Intoxicating liquors, regulating the dispensing of. Boulder Creek, 439-A; Redding, 443-a.

Habitual drunkards, prohibiting the sale of liquor to. Albany, 440-C.

Traffic, prohibiting the obstruction of. 440-d.

Corrugated iron buildings, restricting the erection of. Montague, 440-f.

Harbor manager, creating the position of and fixing compensation. Oakland, 440-g.

Derrick signal man, creating position of and fixing compensation. Oakland 440-h.

Unsafe and unsanitary buildings, declaring them nuisances and providing for the abatement of. Rio Vista, 441-b.

Local improvement bonds, authorizing the issuance of. Hoquiam, Wash., 441-e.

Vacating street, ordinance. Hoquiam, Wash., 441-E.

Electric transmission, granting franchise for. San Bernardino County, 442-b.

Relocation of railway tracks, requiring. South Pasadena, 442-C.

Thick smoke, unnecessary noises, and fumes, declaring them nuisance. South Pasadena, 442-f.

Weeds from sidewalks and lots, requiring the removal of. Coronado, 443-b.

Explosives in quarries, prohibiting the use of. San Anselmo, 443-d.

- Lights on Vehicles**, requiring. San Anselmo, 444-a.
- Business licenses**, establishing. Livermore, 444-C; Watsonville, 445-C, San Buenaventura, 446-a.
- Spraying and fumigating trees**, requiring a license for. South Pasadena, 444-d.
- Gas lateral connections**, requiring cut-offs for use in case of fire. South Pasadena, 444-E.
- "Park and Playground Act of 1909,"** ordinance of intention. South Pasadena, 445-b.
- Billiard and pool rooms**, prohibiting. South Pasadena, 446-b.
- Street cars**, regulating speed limit of. South Pasadena, 446-e.
- Traffic**, regulating, and limiting speed. South Pasadena, 446-d.
- Nuisances**, specifying. South Pasadena, 447-a.
- Cattle and fowl**, regulating the keeping of. South Pasadena, 447-b.
- Cement curbs, sidewalks and gutters**, adopting general specifications for. South Pasadena, 447-e.
- Street paving with concrete base and asphalt surface**, adopting general specifications for. South Pasadena, 447-d.
- Electricity**, regulating the furnishing and sale of. South Pasadena, 448-b.
- Excavations in streets**, regulating the making and filling of. South Pasadena, 448-C.
- Private and public garages**, regulating the establishment and conduct of. South Pasadena, 449-A.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Bridges—§ 21 (Idaho)—Under Rev. Codes, § 2242, as amended by Sess. Laws 1913, c. 13, and Rev. Codes, § 2233, city councils have exclusive control of streets and highways within their corporate limits, and may repair and maintain bridges within such limits. *City of Kellogg v. McRae*, 141 P. 86.

Under Rev. Codes, § 2242, county commissioners have no control over bridges within the corporate limits of a city, and are not required to construct and maintain bridges exceeding 60 feet in length over streams crossing highways within such limits.—Id.

Commission Form of Government—§48 (Utah)—Laws 1911, abolishing the offices of mayor and city council in cities of the first and second class, and creating a board of commissioners to govern such cities, is not void because the commission form of municipal government infringes upon the constitutional form of government. *Laron v. Salt Lake City*, 141 P. 98.

Charters—§44 (Or.)—Const. art. 4, § 1a, and article 11, § 2, leave municipal corporations mere agencies of the State, which may by general law control them, even to the extent of amending their charters. *Churchill v. City of Grants Pass*, 141 P. 164.

Defective Streets—§788 (Wash.)—A city is not liable for injuries to a traveler resulting from a defect in a street unless it had actual notice thereof, or it had existed for such a length of time as to charge it with constructive notice. *Chase v. City of Seattle*, 141 P. 180.

§791 (Wash.)—Where a city was not shown to have had actual notice of a defect in a street which resulted in plaintiff's injury, and it was shown to have existed only a few hours before the accident, the time was insufficient to charge the city with constructive notice. *Chase v. City of Seattle*, 141 P. 180.

§806 (Wash.)—Where plaintiff drove into a city street in process of repair, which was outside of the part of the street open for travel, and the defect was open and obvious, the city was not negligent. *Chase v. City of Seattle*, 141 P. 180.

Where plaintiff was thrown from his wagon by a defect in a city street which he had discovered on his going trip, but which he took no steps to avoid on his return journey, he was guilty of contributory negligence as a matter of law.—*Id.*

Malfeasance in Office—§124 (Wash.)—That a councilman agreed and did trade votes with another councilman on matters pending before the common council of a city was malfeasance in office within Laws 1913, c. 146, authorizing recall for malfeasance in office. *Pybus v. Smith*, 141 P. 203.

Minimum Wage—§ 238 (Or.)—The minimum wage law is not violative of Const. U. S. Amend. 14. *Simpson v. O'Hara*, 141 P. 158.

§ 205 (Or.)—The minimum wage law is not violative of Const. Or. art. 1, § 20, relating to privileges and immunities of citizens. *Simpson v. O'Hara*, 141 P. 158.

Municipal Powers—§ 53 (Or.)—Attributes of State sovereignty may be delegated to a municipal corporation, which is a body corporate or politic, established by law to share in the civil government of the country. *Churchill v. City of Grants Pass*, 141 P. 164.

§ 265 (Or.)—The State may delegate to municipal corporations its power to build and operate railroads; the only question being whether it is for a public purpose. *Churchill v. City of Grants Pass*, 141 P. 164.

Peddlers—§ 3 (Wash.)—The term "peddler" in its ordinary acceptation extends to one who takes orders for and subsequently delivers the merchandise in fulfillment thereof. *City of Pomeroy v. Rutherford*, 141 P. 178.

Where defendant, after receiving goods which he had sold to consumers by sample, took them to a house where the various orders were assembled, such house constituted a "supply depot" within a city ordinance defining peddler to include one who sells by sample, and maintains a supply depot within the city limits.—*Id.*

Street Improvements—§ 514 (Or.)—Portland City Charter, § 400, authorizing reassessment for a street improvement, and proceedings in compliance therewith, is valid. *Reiff v. City of Portland*, 141 P. 167.

After a resolution for reassessment has been passed, notice must be given the property owners, and they must have an opportunity to appear and object.—*Id.*

§ 404 (Or.)—Abutting owners may enjoin a city from putting material on their lands in improving a street, or recover damages, or have the material removed as a nuisance, under L. O. L. § 341. *Reiff v. City of Portland*, 141 P. 167.

§ 446 (Or.)—That, in improving a street, a city put filling material on the lands of abutting owners does not affect the validity of the assessment. *Reiff v. City of Portland*, 141 P. 167.

§ 458 (Or.)—An assessment for a street improvement should in no case exceed the special benefit, and should not equal the cost of the improvement in front of the property, unless the property is benefited to that extent. *Reiff v. City of Portland*, 141 P. 167.

§ 289 (Or.)—Under Portland City Charter, § 375, requiring the improvement of each street or part thereof to be under a separate proceeding, where the improvement is continuous, that along a part of the street a fill is necessary does not invalidate the assessment. *Reiff v. City of Portland*, 141 P. 167.

§ 503 (Wash.)—That property assessed for a street improvement has been previously assessed for other improvements is immaterial in proceedings to confirm an assessment roll. *In re Ninth Ave. in City of Seattle*, 141 P. 61.

Street Opening—§ 439 (Wash.)—Where it was established that some street would have to be located through objectors' property whenever platted, and that the street as established would confer on the property the same benefits usually conferred by giving access not previously possessed, objections that the property was not benefited by the establishment of the street was unsustainable. *In re Boyer Ave. in City of Seattle*, 141 P. 58.

The limits of a special assessment district for street improvements fixed by the commissioners will not be disturbed, unless the evidence demonstrates arbitrary action on their part.—*Id.*

Where a board of county commissioners determines that the opening of a public road is necessary, that decision is conclusive, under Rev. Laws 1910, § 7553, on the question of necessity.—*Id.*

∴ What Our Pacific Coast Cities Are Doing ∴

Alameda Board of Electricity received bids July 28 for furnishing and installing one direct connected exciter generator for the municipal electric light plant.

Albany (Cal.) is contemplating the improvement of Buchanan street. Bids were received July 13 for constructing cement sidewalks on a number of streets. An election will be held August 10 to vote \$12,000 bonds for fire protection.

Alhambra received bids July 20 for the construction of a reinforced concrete bridge culvert over Mill creek between Alhambra and San Gabriel.

Antioch is contemplating extensive street work.

Baker (Ore.) will construct two pipe lines for the water system by day labor at cost of about \$98,000.

Bakersfield received bids July 20 for school supplies for the year ending June 30, 1915. Chester avenue will soon be paved and bids will be asked for shortly.

Coronado has passed resolution of intention for the construction of end walls and culverts on portion of the ocean boulevard.

El Segundo will receive bids August 1 for the construction of a 4-room, brick, tile or reinforced concrete school building.

Eugene (Ore.) may grant petition for the construction of a lateral sewer of cement pipe for portion of Ferry street.

Glendora received bids July 24 for furnishing and installing a pump of capacity of 675 gallons.

Huntington Park Union High School will receive bids August 3 for furnishing kiln, gymnasium equipment, printing outfit for Manual Arts Department.

Imperial received bids July 29 for furnishing 1340 ft. of 6-inch pipe, bell and spigot, 1100 ft. of 4-inch pipe together with fittings and specials; 100 lbs. rope oakum, 2200 lbs. pig lead, valves and hydrants.

Inglewood received bids July 20 for the improvement of portion of Manchester avenue by macadamizing and the construction of cement sidewalks, curbs and gutters; also vitrified block gutters and three corrugated iron culverts.

Kingsburg may install electrolier system for Simpson street. Resolution of intention has been passed for the improvement of three streets, by grading, oiling, macadamizing and the construction of sidewalks.

Long Beach received bids July 22 for the construction of an outfall sewer system and sewage disposal works. Bids were received July 29 for improving Olive and Myrtle avenues by the construction of cement curbs and sidewalks.

Los Angeles received bids July 20 for improving Mont Clair street by grading, oiling and the construction of curbs and gutters; also for the improvement of Lake Shore avenue by the construction of bitulithic pavement, construction of curbs, gutters, sidewalks and vitrified pipe sewer. Country Club boulevard will be improved by the construction of an asphalt pavement and the construction of cement curbs and gutters. Van Nuys High School district will receive bids August 8 for plumbing and gas fitting and heating and ventilating apparatus; also for program clock and bell system. Board of Public Works received bids July 20 for a motor truck. Bids will be received on August 10 for furnishing electricity and maintaining lights on Stephenson avenue and Laguna lighting district. Bids will be received on same date for furnishing electric current and installing necessary posts and appliances for a period of one year for lighting portion of Hollywood boulevard. A bridge across the Arroyo Seco at Avenue 43 will probably be constructed. Bids were received July 27 for sewers in portion of Seventh avenue, First street, Hobart boulevard and Crenshaw boulevard. Bids were received July 13 for paving with asphalt portion of Westmoreland avenue and portion of Hope street. Bids were received on same date for paving portion of Savannah street.

Madera will hold a \$100,000 bond election in September for municipal improvements. Among said improvements will be \$10,000 for a chemical engine; \$10,000 for new "D" street bridge; \$25,000 for extensions to the water system; \$25,000 for extensions to the sewer system and \$10,000 for a new city hall.

Merced will shortly hold an election to vote on the installation of a municipal water system.

Monrovia City Engineer recommends that the trustees make provision for street work, estimating that it will require \$10,000 for street work this year.

Monterey received bids July 7 for improving portion of Coast Road in Mill Creek Canon, Sur Road District.

Nevada City will establish a reservoir a mile from the city, to have capacity of 15,000,000 gallons.

Newport Beach received bids July 29 for improving portion of 31st, 32nd, 34th, 33rd and 35th streets by grading and sewerage and the construction of cement sidewalks and cement curbs.

Oakland received bids July 23 for furnishing furniture for the council chamber, mayor's office and commissioners' office.

Orange has voted \$10,000 for the construction of a reinforced concrete bridge over Santiago creek.

Pasadena received bids July 21 for improving portion of Michigan avenue by grading and oiling.

Pleasanton received bids July 20 for the erection of a reinforced concrete one-story town hall.

Pomona received bids July 13 for concrete paving of several streets.

Porterville—Supervisors state that culverts on the Springvale road will be replaced with a bridge.

Portland will advertise for 800 water meters.

Redondo Beach received bids July 10 for the erection of a school house, including heating and ventilating apparatus.

Rialto is contemplating the purchase of a city park.

Richmond will shortly hold an election to vote bonds for a municipal water plant. Bids were received July 13 for paving portion of Ninth street, Leheide avenue with Richmond standard macadam; also for the construction of curbs, sidewalks and gutters. Corrugated iron culverts will be constructed on Ninth street.

Riverside will shortly construct the Arlington district sewer at cost of about \$30,000.

Sacramento—The State will probably spend \$50,000 in improving the levees along the Sacramento river.

San Anselmo will shortly advertise for bids for constructing vitrified iron stone pipe sewers on three streets.

San Diego city council accepted plans for concrete conduit to connect Barrett and Morena at cost of about \$60,000. The highway from San Diego to Tia Juana, Mexico, may be paved.

San Fernando citizens are contemplating bond election for water works.

San Leandro is talking of extensive street improvements.

San Mateo has adopted plans and specifications for the construction of a drainage storm system along Poplar avenue.

Santa Ana received bids July 21 for paving Sec. 1 of Bay City Road; also laying corrugated iron pipe.

Santa Barbara will receive bids August 6 for the construction of Boulevard Seawall. Bids will be received August 3 for the construction of a steel girder bridge over the San Roqui creek. City clerk has been directed to advertise for bids for the construction of a cement sidewalk around the courthouse.

Santa Cruz received bids July 27 for installing and furnishing fire alarm system. Plans and specifications have been adopted for the construction of permanent first-class paving in the entire Beach Hill district. There is some talk of repairing and strengthening the Sequel avenue bridge at cost of about \$3650.

Santa Maria has passed resolution of intention for the improvement of Broadway

street by grading and paving with asphaltic oil and the construction of curbs and gutters; also for the improvement of portion of Main street by paving with asphaltic oil and the construction of curbs and gutters.

Santa Monica received bids July 27 for paving portion of Lincoln avenue with oil macadam and the construction of sidewalks and curbs.

Seattle will receive bids August 7 for 5,000 water meters.

Sierra Madre has passed resolution of intention for the improvement of Adams street by oiling and the construction of curbs and cement sidewalks.

South San Francisco has passed resolution of intention for the construction of storm water vitrified salt glazed sewer pipes with catch basin and manholes on California avenue. City engineer has been directed to make an estimate of the cost of improving Railroad avenue. Resolution of intention has been passed for the improvement of portion of Maple avenue and Eucalyptus avenue for the construction of curbs and sidewalks and laying of oil macadam. Resolution of intention has also been passed for the improvement of portion of San Bruno avenue and Linden avenue by paving and the construction of concrete curbs and gutters.

Stockton received bids July 6 for improving portion of Pilgrim street by applying asphaltic macadam wearing surface to the present rock foundation. Bids were received July 7 for constructing a 6-inch vitrified sewer along center line of several streets.

Tulare received bids July 6 for improving a number of streets by paving and the construction of concrete curbs and gutters; also for the construction of vitrified stone sewers.

Turlock is talking of acquiring a public park at cost of \$16,000.

Tustin received bids July 18 for the construction of a brick grammar school house.

Upland may call a \$40,000 bond election shortly for municipal improvements, \$15,000 of which will be for a city hall and fire barn and \$15,000 for street work and \$10,000 for fire protection.

Vallejo has passed resolution of intention for the construction of a 6-inch salt glazed vitrified iron stone pipe sewer in an alley in said city.

Venice Union High School received bids July 23 for chairs, desks, steel lockers, drawers, opera chairs, pumping equipment for well, laboratory tables and domestic science tables.

Watts received bids July 14 for constructing approximately 10,800 sq. ft. of cement sidewalks on portion of Dillon street. The construction of a sewer system is contemplated in the near future. On July 14 bids were received for the construction of a sprinkling system for the city park. Bids were received on July 21 for improving portion of Christian street by grading, oiling, tamping and the construction of sidewalks and curbs.

Whittier has voted \$50,000 for the construction of a new grammar school.

CALIFORNIA COUNTIES.

Alameda County supervisors will receive bids August 3 for repairing portion of the road leading from Hayward to Dublin in Castro Valley and Palomares Road district, Eden Township.

Butte County will receive bids August 7 for bridge over Big Chico creek and bridge over Angel slough.

Contra Costa County. State Highway Commission will receive bids August 10 for grading about 3.6 miles from San Pablo creek to Pinole. Supervisors have decided to erect steel bridge to span Walnut creek.

Fresno County may hold a \$3,000,000 bond election for the construction of 250 miles of lateral highways.

Humboldt County. State Highway Commissioners will receive bids August 10 for building road of Portland cement and concrete about five miles in length from Shively to Jordan creek. On same date bids will be opened for grading about 13.8 miles of road from Miranda to Dyerville.

Kern County will receive bids August 8 for grading and the construction of bridges and culverts on Bakersfield-Glenville road.

Kings County will hold an election September 18 for good roads. Highway Commissioners recommend that \$675,000 bonds be voted to construct 73½ miles of road.

Imperial County. State Highway Commission will receive bids August 10 for constructing with Portland cement concrete about six miles of road from Myers to Coyote Wells.

Madera County supervisors received bids July 16 for the construction of nine bridges of reinforced concrete.

Mendocino County. State Highway Commission will receive bids August 10 for grading and paving with Portland cement con-

crete about 11.4 miles of road between Hopland and Ukiah.

Monterey County received bids July 7 for construction of sub-structure and approaches of the new bridge across Salinas river near Soledad.

Orange County. State Highway Commissioners will receive bids August 10 for construction with Portland cement concrete about 9.4 miles of road from Galivan to Irvine.

San Diego County will probably hold a \$1,000,000 bond election for good roads.

San Mateo County received bids July 20 for a reinforced concrete bridge over San Gregorio creek. Bids were received on same date for constructing a concrete box culvert on San Bruno avenue. On same date bids were received for the construction of 3.565 miles of highway on the Redwood to San Gregorio road, and 1.581 miles of highway on county road near West Union creek.

Santa Barbara County. State Highway Commission will receive bids August 10 for grading about 9.3 miles from El Capitan to Alcatraz.

Santa Clara County. State Highway Commission will receive bids August 10 for constructing with Portland cement concrete with asphalt wearing surface about 1.9 miles from Santa Clara to San Jose; also about 6.8 miles of Portland cement concrete from northern boundary line to San Jose. Bids were received July 20 for construction of a steel bridge over the Pacheco creek.

Trinity County. State Engineer received bids July 28 for constructing two bridges on the Trinity State road, one bridge 90 feet span to be erected across Mad river; the other 60 foot span to be erected over South Fork of the Trinity river.

Yolo County. State Highway Commission received bids July 20 for construction of reinforced concrete and timber trestle across the Yolo By-Pass on the southern line of the Southern Pacific railroad.

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QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Q. The City of Marysville is taking steps to hold a Freeholders' Election to draft amendments to the City Charter and the question has been raised by one of the Councilmen whether both parties are entitled to a vote when the property is in the name of two or more parties; for instance, man and wife and both registered voters.

An answer to the above will be greatly appreciated.

ANS. Both the husband and wife would be eligible to vote in a Freeholders' election. I am inclined to think, however, that the question one of your councilmen is interested in is the question as to whether a husband and wife both holding title to the same property are both eligible to serve as members of the Board of Freeholders.

In answer thereto, would say that in our opinion both of them are eligible. We base this opinion on the following authorities:

"A freeholder is one having title to real estate, and the amount or value of his interest therein is immaterial."

People v. Scott (N. Y.), 8 Hun. 566.

Also the following:

"A married woman who owns land in fee or for life is a freeholder."

Cummings v. Iliatt, 74 N. W. 411; 54 Neb. 35.

It has been held also that a husband living with his wife on land owned by her and occupied by them as their homestead is a freeholder. Hughes v. Milligan, 42 Kan. 396; 22 Pac. 313.

Another interesting case where the definition of "Freeholder" was involved is found in the case entitled

"Fallbrook Irrigation District v. Alila, 106 Cal. 355, where our Supreme Court held that:

"A married woman, having no interest in land other than that of a wife in community property, is not a freeholder."

In short, the word "Freeholder" may be briefly defined as follows:

1. A husband living on property owned by the wife.

2. A wife owning property jointly with the husband.

A married woman is not a freeholder unless the property is in her name as well as that of the husband.

Q. Under Section 1457 of the Penal Code all fines collected in any police court, etc., that is maintained and salaries paid by city, whether for violation of State law or City Ordinance, shall be paid to City Treasurer. Section 1461, Penal Code, construes Police Court to mean Town Recorder's Courts. For a violation of Section 397 of Penal Code for selling to an Indian intoxicating liquors the fine should go to the town treasury, should it not, the county having been put to no expense, defendant having plead guilty. District Attorney holds should go to county.

Please give me your opinion.

ANS. Section 1457 is apparently so clear that we cannot see how anybody can question its meaning. The fee for violation of Section 397 of the Penal Code when prosecuted before the Town Recorder should go to the town treasury beyond all question.

Q. Can we purchase electric equipment without advertising for bids?

ANS. Not if expense exceeds three hundred dollars. See Chapter 27, Statutes 1913.

Robert W. Hunt

John J. Cone

Jas. C. Hallsted

D. W. McNaugher

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fore in the State may affect the matter some, but we doubt it, as it can be shown that the entire transaction from the time the order is given and until the goods are delivered was done with the foreign house. Should any of the goods be mixed with local goods, however, the company would be liable to a license tax on the local goods, should the agent be responsible for payment for the goods, so that it might be claimed that he is merely an agent in name only and that the title really passes to him. Some of the agents for these foreign houses are simply agents called. The foreign houses hold them responsible for the order and charge them with the goods; in such case, you may impose a license tax on the agent, suppose for instance, that a purchaser wishes to pay for the goods; would the

agent sue in his own name or in the name of the company?

About a year ago the trustees of King City tried to enforce collection of a license tax against a woman in that town who was selling perfume for a foreign corporation that had a distributing plant in the State, and the courts held against the city. Your case seems to be very similar, and it is our off hand opinion (from your statement of the facts of the case) that the company's point is well taken and would be sustained.

The American and English Encyclopedia of Law has this to say about the matter:

"Interstate commerce cannot be taxed at all. Nor can a license or tax be imposed directly upon the foreign principal. Where the foreign principal maintains a ware-

Powers not expressly mentioned in a municipal corporation's charter are implied only when they are necessarily incidental to the exercise of those powers. *City of Buffalo v. Sisson*, 121 N. E. 708.

In 1896 the city of San Francisco attempted to purchase a piece of real property known as "Sutter's lot" for the purpose of constructing a post-office thereon. The Consolidation Act, being the charter governing San Francisco at that time, specified that the city "may purchase, receive, hold, and enjoy real and personal property, sell, mortgage, mortgage and dispose of the same for the common benefit." The Supreme Court held that San Francisco did not have the power to purchase any real estate as a site for a smallpox hospital. See *Van Schmidt v. Widder*, 105 Cal. 151.

John W. Smith, in his work, "The Modern Law of Municipal Corporations," Vol. I, Section 762, says that municipal corporations are "expressly" such powers, under municipal charters, "as are clearly comprehended within their words, etc." Any ambiguity or doubt arising out of the words used in the charter must be resolved in favor of the public, that is, against the corporation.

Our firm was recently called upon to act in conjunction with Dillon, Thomson & Clay of New York, to pass upon a bond issue recently voted by the city of San Rafael, a small portion of which was for a street repairing plant. In the San Rafael charter, the power to construct and maintain a street repair plant, while not expressly authorized, may be readily implied from the language used in Sections 5 and 7, Article III of said charter. See *Seamus*, at 1913, page 1553, which contains the enumeration of powers of the city of San Rafael under their charter. Never-

theless, Dillon, Thomson & Clay expressed doubt as to the city's power to use bonds for a street repair plant as set forth on the first page of their opinion. Their view was that while the word "plant" in the case of San Rafael, the bonds were for the purpose of buying a street repair plant, it was not intended to think that their authority to use bonds for a street repair plant is limited.

Q. What is this town doing to some extent as a fixed place of business and a village? A license is paid for the privilege. This business is done separately in a building where residents of the town visit and where they are served. There is also a building where they are running from Durka, a local passenger about the town carrying passengers for hire. They have a regular stopping place in town where they stop to pick up passengers.

What is there to show it is a town? An impediment into the running from Durka to Durka to take out a license under the ordinance as adopted? Our attorney says that we cannot do this. The ordinance was adopted from the advice of the town of Durka, and we wanted to know if this question had ever been brought before the court.

Q. What is the ordinance as adopted?

ANS. Your honor of June 8, 1913, in the case of the ordinance adopted by the town of Durka, No. 1 of your court, 1913, is correct. It appears from our Section 14 is sufficient to make you a town. A license fee from the passengers carrying the automobile service from Durka to Carleton, or away from the town, they have a regular stopping place in town and pick up the passengers. We are not going to look it on as successfully done if they are carrying business within the town. If they were right through the town without stopping anybody of it taking on any new passengers, it would be different.

Municipal Insurance Fund.

The city of Berkeley by municipal ordinance, has created an insurance fund for city employees who sustain disabilities in the course of their duties. A tax of one-half cent upon each \$100 of assessed valuation will be levied each year and totals \$21,000.

LIST OF RESPONSIBLE FIRMS TO BE CALLED ON TO BID FOR PUBLIC WORK OR SUPPLIES

Write for Catalogs. Mention Pacific Municipalities When Writing

This list is arranged as a guide for the accommodation of city officials where advertising for bids is not necessary.

Accountant

William Dolge, C.P.A., 311 California St., S. F.

Asphalt Machinery

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.

Steiger Terra Cotta & Pottery W'ks, 729 Mills Bldg., S. F.

N. Clark & Sons, 112-116 Natoma St., S. F.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Brick—Paving

California Brick Co., Phelan Bldg., S. F.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.

Buick Cars

Howard Auto Co., S. F.

Concrete Mixers

A. F. George Co., Los Angeles.

A. L. Young Machinery Co., S. F.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.

American Engineering Corporation, 57 Post St., S. F.

S. J. Van Ornum, 960 Pacific Bldg., S. F.

Conduits

Pierson, Roeding & Co., S. F., L. A., Portland, Seattle.

Curbing—Curb Armor

Pacific Building Materials Co., 523 Market St., S. F.

Curb Bar

Amer. Steel Bar Manufacturing Co., Merchants Exchange Bldg., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.

Standard Corrugated Pipe Co., S.F. & L.A.

U. S. Pipe Co., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Dump Carts and Wagons

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.

Fire Extinguishers

Pacific Fire Extinguisher Co., 507 Montgomery St., S. F.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.

Bowers Rubber Works, San Francisco.

American Rubber Mfg. Co., 408-410 Mission St., S. F.

Fire Hydrants

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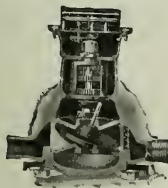
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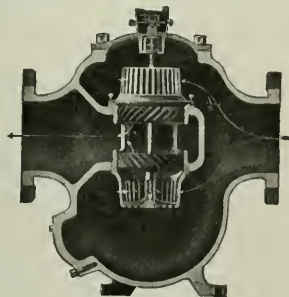
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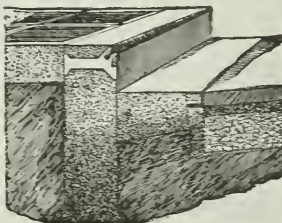
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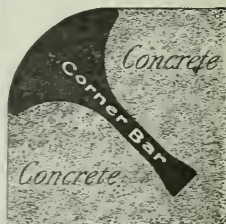
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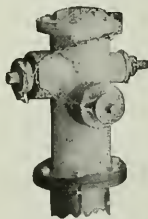
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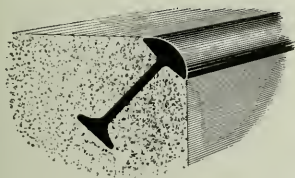
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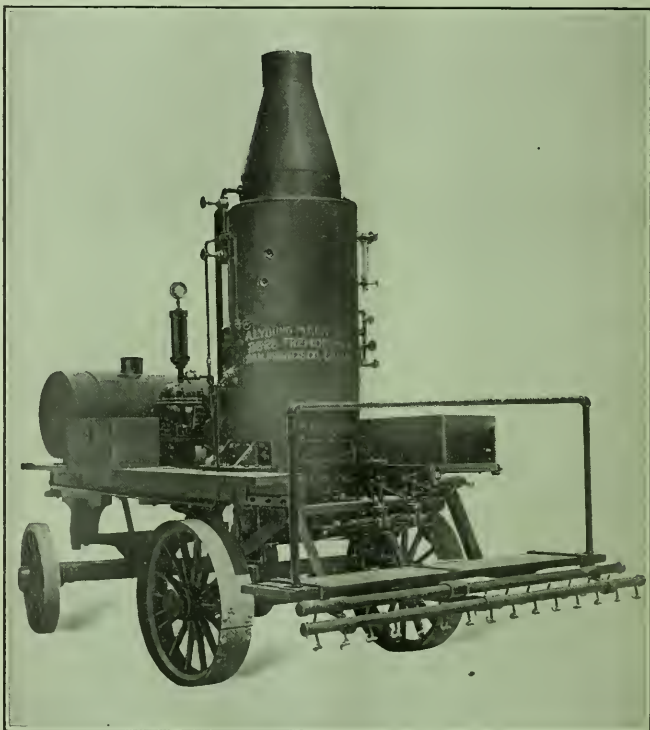
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SEPTEMBER, 1914

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LICENSE TAXES IMPOSED BY CALIFORNIA CITIES AND TOWNS

Municipalities in California are authorized to impose and collect business licenses for regulation under and by virtue of the provisions of Section 11 of Article 11 of the State Constitution, and under the provisions of Section 12 of the same article they are empowered to impose license taxes for revenue. Section 11 confers authority under what is commonly known as the police powers, that is those powers affecting the public health, morals, safety, or general welfare, while the authority conferred under Section 12 is purely a taxing power.

It is generally held that a license tax when levied under the police powers must not operate as a virtual prohibition of a useful and legitimate occupation. Both the State and municipality may impose license taxes for revenue on any business or occupation whatsoever; so, too, an act or ordinance imposing licenses purely for regulation will be upheld unless it appears that the occu-

pation or business is of such a nature as not to require regulation.

License taxes may be classified in various ways, for instance, by the amount of business done or the number of vehicles used; or they may be classified according to different localities. An ordinance is void which discriminates against non-residents, on the other hand discrimination in favor of non-residents is lawful; for instance, a license tax may be imposed on residents only.

By some people the policy of imposing a license tax for doing business is regarded as questionable for the reason that, like most other forms of taxation, the burden is undoubtedly borne by the consumer to a large extent. As evidence of the justice of the license tax it is pointed out that the business man receives more benefits of government than a mere resident, as he has fire and police protection for his store in addition to his home. Following is a list of the various amounts charged for business licenses by a number of California cities and towns:

PACIFIC MUNICIPALITIES

RATES CHARGED FOR BUSINESS LICENSES IN CALIFORNIA CITIES AND TOWNS.

Explanation: The figures give the amount charged in dollars; while the letters following are abbreviations for the words day, week, month, quarter or year, as the case may be. Thus \$30 stands for three dollars per quarter, while 15y would be fifteen dollars per year. A blank means that no license tax is charged in such case.

[illegible]

PACIFIC MUNICIPALITIES

Explanation: The figures give the amount charged in dollars; while the letters following are abbreviations for the words day, week, month, quarter or year, as the case may be. Thus 30 stands for three dollars per quarter, while 15y would be fifteen dollars per year. A blank means that no license tax is charged in such case.

[illegible]

The foregoing tables are as accurate as the arrangement will permit. The tables are not complete, however, nor are they absolutely accurate in all respects for the reason that the amounts charged are graduated in many cases. Furthermore, many cities impose license taxes for other kinds of business not specified. The following supplementary notations should be considered in connection with the tables:

Alameda imposes an annual license of \$10.00 on bath houses; a graduated license on expressmen and moving picture shows and hospitals.

Azusa charges transient merchants \$10.00 per day and transient peddlers are graduated from \$2.00 to \$15.00 per month.

Beaumont imposes a license tax of \$1.00 per quarter on attorneys and \$3.00 per quarter on physicians.

Claremont collects a license tax from physicians of \$2.50 per quarter.

Daly City collects a license tax from billiard and pool rooms of \$5.00 per year; dance halls 10c per 100 square feet per quarter and scavengers \$5.00 per year. No other licenses are collected.

Eagle Rock collects no business license whatever.

El Centro imposes a license of \$3.00 per quarter on physicians.

El Monte has a general charge with few exceptions of \$1.00 per month on various kinds of business including architects, attorneys and physicians.

Emeryville imposes a graduated license tax against expressmen ranging from \$1.50 to \$5.00 per quarter and on merchants ranging from \$3.00 to \$5.00 per quarter.

Etna Mills collects a graduated mercantile license tax ranging from \$10.00 to \$42.00 per year. Moving picture shows are evidently regarded as objec-

tionable, as they are taxed \$3.00 per night.

Eureka imposes a license tax on attorneys and physicians of \$5.00 per year. Many of the licenses imposed here are graduated according to the size of the business, those against merchants ranging from \$1.50 per quarter to \$32.00 per quarter.

Holtville charges architects and attorneys \$3.00 per quarter, while physicians are taxed \$4.50 per quarter.

King City charges architects and attorneys \$2.50 per quarter and physicians \$3.00 per quarter. The tax on hotels, like in many other towns, is graduated according to the number of rooms. Building contractors are taxed here \$3.00 per quarter.

Lakeport has a license tax of \$1.50 per quarter against billiard and pool tables; transient merchants are taxed \$50.00 per month.

La Mesa has only one business license tax and that is against billiard and pool tables of \$1.00 per month.

Lincoln classifies all mercantile licenses according to the amount of business done.

Livermore has a graduated mercantile license according to the amount of business done ranging from \$28.00 to \$52.00 per year.

Loyalton, like many other towns, imposes a license tax on automobiles for hire; in this case it is \$3.00 per quarter.

Monrovia collects license taxes of \$1.00 per month from both attorneys and physicians.

Monterey charges attorneys and physicians \$2.50 per quarter; mercantile licenses are all graduated according to sales and range from \$4.00 to \$10.00 per quarter.

Morgan Hill collects no business licenses at all except from moving picture shows, in which case the charge is \$5.00 per quarter.

Napa charges architects, attorneys and physicians \$12.00 per year; expressmen,

hotels, mercantile houses and undertakers pay a graduated tax according to the amount of business done.

Oakdale has a graduated mercantile license from \$2.50 to \$10.00 per quarter.

Ontario imposes a license of \$1.00 per quarter on attorneys and physicians.

Pacific Grove charges attorneys and physicians \$5.00 per year; mercantile business licenses are graduated according to sales and range from \$5.00 to \$40.00 per year.

Placerville has a graduated license tax for boarding houses ranging according to the number of rooms, and a graduated mercantile license from \$3.00 to \$8.00 per quarter.

Porterville imposes a business license against lodging houses graduated according to the number of rooms.

Red Bluff has a graduated business license against merchants ranging from \$2.50 to \$12.00 per quarter.

Redlands charges no business license whatever.

Redondo Beach charges bath houses \$75.00 per year.

Richmond charges a graduated license against mercantile houses ranging from \$3.00 to \$15.00 per quarter.

Riverside has a graduated mercantile license ranging from \$12.00 to \$24.00; expressmen are also classified according to the style of vehicles, whether one or two horses are used.

San Buenaventura imposes a license tax on attorneys and physicians of \$16.00 per year. Mercantile establishments pay a graduated license ranging from \$12.00 to \$32.00.

San Diego has a graduated license against theaters and moving picture shows according to seating capacity ranging from \$15.00 to \$30.00 per quarter.

Santa Maria taxes physicians \$1.00 per quarter.

San Mateo imposes a license tax on contractors and makes a distinction between those doing sidewalk work and those who work on roadways; sidewalk contractors pay \$3.00 per quarter and street contractors proper pay \$10.00 per quarter.

South San Francisco imposes a license

tax only on peddlers and solicitors, the amount being \$40.00 per year.

St. Helena collects from nearly everybody. Architects and attorneys are taxed \$3.00 per quarter, while physicians are taxed \$5.00 per quarter; butcher shops, drug stores, restaurants, merchandise stores and lumber yards are taxed according to the amount of business done, ranging from \$3.00 to \$12.00 per year.

Sutter Creek taxes all mercantile houses according to the amount of sales, the license charge ranging from \$1.50 to \$10.00 per quarter.

Tracy charges a business license graduated according to the amount of sales.

Vallejo taxes architects, attorneys and physicians \$3.00 per quarter. Mercantile stores are charged according to their sales.

Watsonville charges everybody \$12.00 per annum, with few exceptions; architects, attorneys and physicians are included in those charged.

Nearly all cities impose a stiff charge against auction sales and bankrupt sales, particularly against those bringing in auction or bankrupt goods from the outside; a heavy charge is also made against circuses and menageries, averaging about \$50.00 per day. Merry-go-rounds also come in for a severe tax.

DOES THIS APPLY TO YOUR CITY?

Preposterous.

Caperton (a man of business): Now, my dear, I want you to sit down and figure up in advance just what our necessary expenses will be for the coming year; that is to say, I want you to prepare a budget.

Mrs. Caperton (who has been attending lectures on current events): A budget! Why, they don't do that even in Congress. Why should I do what the government of the United States doesn't think necessary?

Caperton: I hope you are not comparing my method of doing business with that of the United States Government? If I should follow that example I'd fail in three months. (From "Life," Aug. 6, 1914.)

REFORM IN STATE GOVERNMENT

(Discussion of a resolution introduced at the Fourth Annual Convention of the League of Washington Municipalities by James E. Bradford, Corporation Counsel of the City of Seattle.)

MR. GRIFFITHS: Upon the other resolution presented by Mr. Bradford, the section recommends the adoption by the league of the following:

Be it resolved by the League of Washington Municipalities:

1. That a commission form of government, or some modified form thereof which will involve direct responsibility, continuous service of officials, non-partisan elections, frequent legislative meetings, and deliberate consideration of proposed legislation with ample opportunity for public hearings, is desirable for the State of Washington, as a substitute for the present cumbersome, inefficient and unsatisfactory legislative and official bodies.

2. That a committee be appointed to report at the next annual meeting of this league as to the wisdom and advisability of amending the constitution so that the State would be governed by a small body of trained and competent legislators and administrators, continuously at work, and vested with power to enact and administer laws.

Mr. Bradford reread his resolution calling for the government of the State by a small body instead of a large legislature, and the subject was discussed as follows:

MR. PICKING, Sunnyside: I believe the author asked either the passing of this on to the next meeting of this league, or action upon it now. Are we not prepared to see a good thing now and adopt it? **History has given very**

good evidence that something should be done, and whatever we may adopt can't be worse than the present government. The new plan may not be the best, but I think we should take up this measure now and do as other bodies in the State are doing—recommend that this form of government be adopted just as quickly as we can get to it.

Our legislature is such a body that none of us can discuss its actions and feel proud, except in so far as it may not be as bad as the legislature of some other State. That being the case, I believe we are ready to adopt a better, more abbreviated form of government than we have at present.

MR. BIGELOW, City Attorney, Olympia: The ideas expressed in this resolution are up-to-date if not a little revolutionary. Coupling this with the other recommendations that we abolish our trial by jury, at least as applied to certain cases, we are making changes very rapidly. But the objections made to the legislature, as the legislature is at the present time, only apply to what the legislature does. There has been no statement I have heard as yet that the legislature didn't know enough to do better, so any assumption that any doing away with the present body which does wrong, when we admit it knows enough to do better—in fact to do right—and to pass all needed legislation, and any assumption that another body, which also will know what to do and how to do it, will do right, is perhaps going farther than I can go at the present time.

I think a trained body of legislators is just as apt to be influenced by political reasons, just as apt to trade votes

and log-roll as the present form of legislature. I don't think we can assume absolutely that this change will meet all the objections that we have to our legislature. We are experimenting to a certain degree with this form of legislature in our cities; I think I can use that word experimenting because I do not believe that the commission form of government, as applied to cities, is firmly established. Since we are experimenting in our cities, isn't it better to wait until the experiment is finally established as the best thing, rather than overturn our whole system, and also put this plan into the State as an experiment?

It seems there are other ways of getting at this, and other ways of influencing the legislature to do the best it knows how, which I feel would be good enough. The objections to our present legislature in my mind are ones of action and not of knowledge. Then, too, there is the question of expense. A little glance at the records for the past two years will show that the constant tendency of the State legislature is to increase the expenses, to increase commissions of one kind and another, and some of them are at least questionable. It seems to me that before this league should go on record as recommending so revolutionary a change as this, which will increase the expense, that it should be gone into very carefully. The resolution, of course, only says that we should look into it more carefully. I would be in favor of that, but I would not be in favor of voting for the change at the present time.

MR. DIMOCK, Seattle: I think our friend Bradford has sprung something that should be considered before action is taken by this body. I think one pertinent question might be how is he going to secure his trained legislators?

We have not yet succeeded in our smaller political units, cities and towns, in securing always trained men to administer our city affairs, and it seems to me that the difficulties would be enhanced in the larger political field of the State. I am opposed to the adoption of the resolution at this time, for another reason: because I think it tends to place us in the light of making the most radical recommendations, and will lessen our influence with the State legislature when it does meet. I think we ought to keep our actions down to the line of these improvements which are possible to get, which are within reach, and not reach forward to things too far in advance. I think we will detract from our weight and influence with the legislature by being too radical in our recommendations.

MR. BRADFORD: Possibly at this time I can narrow the compass of the discussion by stating clearly my ideas. This resolution does contemplate the total extinction or abolition of the present bicameral system under the State constitution. I believe in putting out of existence entirely the bicameral plan. The whole constitutional historical idea of checks and balances had its growth a good many generations ago, when the conditions of society, social, economic and otherwise, were fundamentally different than we now behold, and what may have been a wise provision some hundred and fifty years ago under conditions as they existed then may not have the same forceful, thoughtful and sound application now. I think all of you know we were at one time satisfied with the tallow-dip and the grain cradle, but we have made wonderful progress in the last few generations; we want the electric light, the self-binder and all the other marvelous achievements of man's inventive

genius and skill. Students of the subject agree that the sweep of human progress, the operation of the law of human progress, is universal; it will sweep you before it whether you like it or not, and it is going to apply to governments as well as to tallow-dips and lights and other matters.

I ask anybody if you can call my attention to a place in the history of the world, a fact which will parallel the marvelous progress of the idea underlying the commission government in the last twenty years in the United States. Thirteen short years ago the modern conception of the commission form of government was born in human disaster down at Galveston, and yet we have it now in three hundred cities, and two hundred or three hundred more are now contemplating it. Revolutionary in character? It contemplates the total destruction of the bicameral idea of checks and balances. **What are your modern popular checks? The initiative, referendum and the recall.** I used to look upon a man as an anarchist who would mention those things to me, and I am a young man, too.

I believe in trying to be a broad-minded and honest student. I don't care what the subject is before us for consideration. I believe in looking into the past with reverent eyes, and with tender memories of all that our forefathers did. Take the social and economic conditions existing in the United States, or the civilized world today. **There were no such problems in ancient times on such a gigantic scale as there are now.** The complexities of modern life are unheard of in the history of the world. The tallow-dip may have satisfied our forefathers; that wonderful invention and discovery fulfilled its function and passed away. In reference to what we call modern new-fangled government devices that are coming by leaps and bounds—and you might as well face it, gentlemen, whether it is revolutionary or anything else—I shall allay Brother Dimock's fears by

telling him that this resolution is not likely to be embodied into law by the next legislature. You and I may not live to see the time when we shall see it, but I think we shall. **My reason for introducing it in this session is that it has become one of the live problems among students in the United States.** This is a progressive league, in a broad sense, and we are students open to light from any direction.

"Seize upon truth wherever found
On Christian or on heathen ground."

That is the thought which should imbue every honest seeker of truth, and every student of municipal problems. In answer to the question of the wisdom of making suggestions along this line, I will say that I think we should do just exactly as the skilful and competent physician would do. Before he prescribes a remedy he diagnoses. **The social philosopher should always diagnose the symptoms and trace relations between obvious effects and causes before he even thinks of prescribing a remedy.**

Let us look at conditions squarely. What is the legislature of Washington under our constitution? We have the bicameral system established fundamentally for creating and maintaining a check, among other reasons. We have forty-two members in the senate, and one hundred membership in the house of representatives. The people are foolish enough to elect lawyers and even doctors, blacksmiths, butchers; **all and various vocations are represented in your houses of legislation.** Each comes there representing obviously and specifically his little district or bailiwick. Under the State constitution and general laws it is not intended that it shall be a permanent body. No two sessions are constituted alike in membership. Nearly all of these members are busy making a living and discharging the duties incident to their trades and vocations. What happens? **What percentage of the bills which are actually introduced, or actually passed, and finally adopted, are ever thought out in the laboratory?** Once in a while we get one. **The Workmen's Compensation**

Act was a fine product, but it wasn't worked out by the members of the legislature. That is the reason it was good. Throw away your prejudice and get this picture. All of these gentlemen come from different vocations of life, leaving wives and families, with no time to study the problems of statecraft and statesmanship except incidentally. They come to the capitol for the magnificently long period of sixty days every two years to embody and reflect in law the ideas, desires and aspirations of a great people and a greater commonwealth. After these members are there what happens? They organize; they organize in the houses. In the house of representatives, and this applies to the national as well as to the State legislature, the speaker appoints a committee on rules. It is fresh in your minds how the committee on rules determines what legislation shall be considered. What happens? You can check up every statement I make except the deductions.

In the legislature of 1909, I think it was, Ralph Pierce, who was one of my assistants, was reading clerk, and on one day he read and called the roll on fifty-six bills. He told me that it was almost a record in legislation in the civilized or pagan world. From one-half to two-thirds of all the bills which come to vote are brought to vote during the last week of the sixty-day session. This results in insufficiently considered legislation containing jokers and mistakes. I could give you dozens of illustrations of this.

What happens when the legislature meets, with reference to getting bills passed and voted upon? Here is Mr. A., who is fortunate enough to own a farm. He has had a bad experience with his neighbor in regard to noxious weeds. This farmer has a clear mind. He takes his cue from the ordinary lens with which we use to set the straw-pile on fire, and says: "I am going to center my energies on getting one bill through, a bill relating to noxious weeds." He goes to the legislature, and he finds he has to have help to get his bill passed. He goes around and he asks the boys

how they stand on the noxious weed question. The fellow from the city says he does not care, but he says he likes to fish and hunt and wants to get liberal provisions on the game law. "How do you stand on my bill?" "Well, I don't fish or hunt, and I don't care anything about it." "Say, if you will support my bill for the game laws, I will vote for your noxious weed law."

The irresistible impulse for the member of the legislature to flirt with log-rolling is proverbial. It is the most common thing connected with legislation in every legislature in this Union. And it is by this making trades that we have the pork barrel proposition. What can you expect to get out of such a hodge-podge conglomerated mass of humanity?

I want to refer to another matter, which is not necessary at this time, but which shows the general conditions which prevail. One of the saddest pages in the history of American legislation is the now historic fact that at least one or more times in every State of this union, some man has bought his way into the United States Senate. Slush funds have been used in the legislature, broken pledges have been common. The conditions got so bad in the United States in the last seventy-five years that the people of this country compelled the adoption of an amendment to the constitution of the United States providing for the selection of United States senators by the vote of the people.

These same men from the legislature, these speakers, the members, come back as students of the subject, and say to us that this system is absolutely necessary in a large unwieldy body, and if you are honest you will admit that this is so. Where each man wants to speak and talk and introduce one or several bills, and talk two or three hours on each one, rules become inevitable. Those conditions become inevitable, and those rules become necessary, and it will be so as long as you have the bicameral system.

In view of all those existing conditions, the rank and file of citizens of this State, are even now asking and

students are thinking of it and asking, should not we have some kind of a change, and if you will put the question to them with reference to this commission form of government, what will be their answer? They will shrug their shoulders and say the government couldn't be worse. Let us try something else, and we may get something better. There is that feeling among the rank and file of the people. Alexander Hamilton made this statement over a century ago: "The greater the number of the deliberative body, the fewer the number who actually control and determine its proceedings." That principle has received universal confirmation and corroboration in the last century in the United States in reference to legislation. The larger the body the fewer the people in that body who absolutely control and determine the proceedings.

I have no idea of putting a specialized body of men in place of the present legislature, but we are living in an age of specialization, and a good many people are not satisfied that the highest degree of efficiency in municipal and State affairs has been reached, or will be reached under the present form, which is illogical, antiquated and unsuited to meet the growing ideals, desires and needs of the people under present conditions. Carlyle stated the epoch of this age is not of men or arms, but of men and tools, and an infinitely wider epoch. That philosophy not only has application to the affairs in the great industrial world of men, but it also has a fitting and peculiar application to the question of governmental tools and devices. I am perfectly satisfied that no form of government, no matter what its name, or what its basic elements may be, will prove a panacea to all our ills. Neither will the thing I am suggesting here. That is not the question. In the evolution of man and the progress of mankind, the only fair test is: Is the device well calculated to bring better results than we are now getting with the tools which we now have? Carpenter's tools are good things, but they never built a structure

or house in this world. Carpenters with tools built the houses. My whole thought is summed up in that homely illustration. Tools and forms are necessary, but they are not the most important things. You ultimately come back to the carpenter who wields the device and the tools, the great rank and file of the people, but there is something in the method of the administering of the city's affairs. I believe there is something in the form of municipal government, but I don't exaggerate the mere form.

It is immaterial to me whether you go on record for the first resolution in favor of some modified form, or for the second resolution merely providing for the appointment of a committee to give further study to the question and bring in a dispassionate, studious report at the next session.

MR. COATES, Spokane: I am one who believes that instead of dissipating what little influence we have with the legislature in suggesting changes of this and that and the other thing, the big thing we need in this State more than any other thing at this time is a constitutional convention. If we set our influence on that central thing, we are going to get home rule and all those things, and I hope this convention will quit fooling with a thousand and one things and center all the influence and power that it has in getting a constitutional convention in this State. It is the best way and the immediate way, and it will get just what we are after. If this organization will lead off, and get together all the other reform bodies in this State that are attempting to do some of the tinkering with the constitution we shall be able to go to the legislature with some backing, power and influence. If we do not get together we shall go to the legislature like the farmer who wanted the noxious weed bill passed. I suppose there were fifteen or twenty different amendments to the State constitution at the last session. Let us get all of our forces together for a constitutional convention.

(Upon motion, the resolution was adopted unanimously.)

THE CITY OF MONTEREY

By R. F. JOHNSON, Mayor

In point of age the Custom House is the most interesting public building in Monterey. The central portion of the foundation was laid about 1822, when the flag of Spain floated here, but the walls were not raised until several years later, owing to the unsettled political conditions, Mexico having declared her independence a short time after the work had begun. The walls of the old structure were finally raised and a tile roof put upon it. Two shingled towers were built, but the second of these was not erected until 1844. Commodore Sloat

three United States vessels of war in the harbor. A proclamation was read, declaring California to be part of the American Union. The central part of the Customs House was converted into a ballroom by the officers of the United States frigate "Savannah," and the commander of the United States naval forces had his headquarters in the north end of the building, the south end being occupied by a squad of marines. After Commodore Sloat left he was succeeded by Commodore Stockton, August 17, 1846. In January, 1847, the Territorial



OLD CUSTOM HOUSE

of the Pacific squadron, on his flagship, "Savannah," 54 guns, arrived at Monterey July 1, 1846, from Mazatlan, Mexico. There were in port on his arrival the "Cyane," Captain Mervine, and the "Levant," Captain Page, 24 guns each. Several days passed before Sloat decided to take possession of the town of Monterey. On July 7th, however, having completed all his arrangements for the important ship, he sent Captain Mervine ashore with a force of 250 men, who hoisted the Stars and Stripes over the Custom House, which was saluted with three cheers by the marines and spectators, and by 21 guns from each of the

Government was assumed by General J. C. Fremont, who occupied the north wing of the Custom House as his headquarters. Later Custom House collectors and inspectors were appointed by our Government. The Custom House, under a bill passed by Congress and signed by the President, is now leased for fifty years to the State of California. The State has a Custom House Commission, consisting of five citizens of the State, who are appointed by the Governor of the State to care for the building and keep same under repairs. At present it is headquarters for the Native Sons of the Golden West, Order of Monterey, Cal.

THE NEXT CONVENTION

Some Features of the Program.

The program for the Seventeenth Annual Convention of the League to be held at the Hotel Del Monte, Monterey, during the week commencing Monday, October 12th (Columbus Day), is in process of arrangement. The subjects and leading speakers that have been settled upon up to the present time are as follows:

"The Relations of the Workmen's Compensation, Insurance and Safety Act to Municipalities" by Colonel Harris Weinstock of the Industrial Accident Commission of the State of California. This subject is one that every city and town is very much interested in and the leading speaker is too well known throughout the State of California to require any words of introduction.

"Report of the Committee on Reform of State Government." The committee having this matter in hand is composed of Charles N. Kirkbride, City Attorney of San Mateo, chairman; J. J. Gill, Mayor of San Leandro; C. F. O'Neill, Mayor of San Diego; B. D. Marx Greene, City Attorney of Antioch and Pittsburg, and C. L. Priesker, City Attorney of Santa Maria. This committee will submit a very important report and may ask the convention to endorse their views by the adoption of suitable resolutions. The proposition for reform in State government is not confined exclusively to California. A strong agitation is now being made in half a dozen States for a change in methods compatible with the great progress that has been made along other lines.

"The Intangible Values in Water Systems" by Otto Von Geldern, the well-known specialist in hydraulic engineering.

"The Construction of the California State Highways" by a member of the California Highway Commission. This address will be illustrated with moving pictures showing the various kinds of paving work under construction.

"Inferior Circuit Courts as a Substitution for Our Present Justices' Courts" by J. W. Coleberd, City Attorney of South San Francisco. Mr. Coleberd is a former Iowan, and from his experience in some of the middle States, believes that our judicial system in so far as it relates to the justices' courts is capable of much improvement. The attorneys will undoubtedly be very much interested in Mr. Coleberd's paper.

"A Proposed New Franchise Law" by Senator Wm. J. Carr, City Attorney of South Pasadena. Recent changes in our Constitution make it desirable that we have a new franchise act for California. The present practice of advertising and selling franchises to the highest bidder is not working out as well as was expected; moreover, many people are beginning to look with favor on the indeterminate franchise. The transfer of the control of public utilities over to the Railroad Commission has also shown need of a new franchise law. The franchise law of Wisconsin is regarded as a good measure, and it is possible that Senator Carr may take the Wisconsin Act as a basis for the proposed law in California. It is planned to submit the proposed measure to the Department of City Attorneys and have its various features thoroughly debated. It has also been suggested that the attorneys of some of the large public utility companies should be invited to attend and offer their suggestions. A discussion of the proposed act will undoubtedly be one of the most interesting features of the City Attorneys' program.

"The Municipal Railways of San Francisco" by Mr. Thos. W. Ransom of the City Engineer's office of that city. Mr. Ransom is especially invited by President Percy V. Long by reason of his close association with the construction of the municipal railways. Mr. Ransom had a great deal to do with the launching of this great municipal enterprise which has proven to be such

an unqualified success and for that reason the delegates will look forward to his address with special interest, particularly those from the larger cities.

"How the Exposition May Be of Benefit to Municipalities" by Mr. Wallace Hatch of the Panama-Pacific International Exposition. The address of Mr. Hatch will be illustrated with stereoscopic views.

A communication has also been sent to the officers of the Panama-California Exposition with the request that they send a speaker and slides for the purpose of showing what has been done for the Exposition at San Diego. The matter is now under consideration by President Davidson of the Exposition, who promises to have some suitable representative at the convention to tell the delegates more about the great enterprise for which San Diego deserves high commendation.

"Changes Demanded in Our Improvement Laws" by Lorin A. Handley, President of the Board of Public Works of the City of Los Angeles. In his official capacity, Mr. Handley has had much to do with our improvement laws and naturally he has observed many features demanding amendment. We are constantly learning, and find that at every meeting of the legislature there are some little kinks in our improvement acts which should be taken out. The various changes advised by Mr. Handley will be taken up separately by the city attorneys and after debate and suitable consideration will be acted upon by vote of those present. This gives assurance of obtaining the best results and was the practice followed by the committee which framed the Improvement Act of 1911.

"The Field of Public Health Workers, the Health Officer in His Relation to the Municipal Government," by Dr. Geo. E. Tucker, Health Officer of Riverside. Mr. Tucker was especially invited by President Long because of his wide experience and special fitness to discuss this important subject. On the occasion of this address the health officers and city officials will meet in joint session. It will be conceded that the sub-

ject is very important and one that should be given close attention.

"Good Roads in Small Municipalities," by Harry Brolaski, member of the Board of Trustees of Redondo Beach. Mr. Brolaski has some decided views on this question, and as he is a fluent and convincing speaker, his talk should prove an interesting number.

"The Composition of Ground Waters for Municipal Supplies with Reference to Their Chemical Composition and Their Hygienic Safety," by Chas. Gilman Hyde, Professor of Sanitary Engineering of the University of California, and Sanitary Engineer of the State Board of Health. Professor Hyde needs no introduction to the city officials, as he is regarded as the leading authority in the State on the general subject of sanitation, and an address from him invariably commands the closest attention. It is proposed to have this address presented in the afternoon of the joint session with the health officers.

"The Springfield, Ohio, Charter as Adapted to the Needs of California Cities," by Frederiek Baker of Los Angeles, the well-known specialist in municipal corporation law. Mr. Baker has made the subject of municipal charters a specialty. He is a convincing and impressive speaker. His reason for selecting the Springfield charter for his address was due to the fact that this charter is regarded by the National Municipal League as being the best exemplification of the City Manager plan yet framed in the country. Many California cities are now considering new charters or charter amendments. They should be able to derive considerable profit from Mr. Baker's address, so that when the National Municipal League make another investigation of municipal charters they will be forced to point to one of our California cities for example of the most advanced work.

"Municipal Liability Under the Workmen's Compensation, Insurance and Safety Act of California" by Chris. M. Bradley, attorney for the Industrial Accident Commission of California. Mr. Bradley is a graduate of

Stanford University. A. B. 1901, and of the Columbia School of Law, L. L. B. 1904, and was formerly editor of the "Columbia Law Review." Since his appointment as attorney for the Industrial Accident Commission Mr. Bradley has had a number of complex questions brought to his attention in reference to the provisions of the statutes relative to municipal matters and provisions of city charters. His address will be delivered to the Department of City Attorneys.

"The Proposed Constitutional Amendment Affecting Municipalities" by B. D. Marx Greene, City Attorney of Antioch and Pittsburg. Mr. Greene recently assisted in the preparation of a report on this subject which was read at the regular meeting of the Commonwealth Club of San Francisco, and thus he will be able to take advantage of the material gathered by his committee. Some of the amendments are of vast importance to the cities and towns, and for that reason should be thoroughly considered before action is taken on their endorsement.

"Report of the Committee on Garbage Disposal." This committee consists of Prof. Chas. Gilman Hyde, chairman; J. J. Jessup, City Engineer of Berkeley, and Mr. S. J. Van Ornum, former City Engineer of Pasadena. The question of garbage disposal is one of the most important matters now confronting municipalities. We will never get rid of the fly evil unless garbage is properly handled, and afterwards disposed of by some better method than mere dumping. All the manufacturers of incinerators and disposal plants make the same extravagant claims and it is almost a practical impossibility for city engineers and councilmen to ascertain the relative value of their products. Of course, it is too much to ask or expect the committee to come out and recommend or advise against the installation of any particular plant by name; nevertheless it is hoped that the report will be so worded as to enable the city officials to discern the comparative merits of the various plants now on the market.

The California State Board of Health has taken special pains to have a large attendance of health officers at this convention. At the regular meeting of the Board held on June 6th last, the following resolution was adopted:

"Resolved, that in accordance with the invariable practice of the Board, a meeting of county and municipal health officers be called in conjunction with the annual meeting of the League of California Municipalities."

Shortly afterwards Dr. Donald H. Currie, Secretary of the Board, sent out notices to all the city officials and to the State and county health officers throughout the State.

PASSENGER RATES TO THE CONVENTION.

In accordance with custom the various railroad companies have made the usual convention rate of one and one-third fare for the round trip to all delegates and their friends. Those purchasing tickets will pay the full fare going to Del Monte and procure a return convention certificate from the ticket agent. This certificate will have to be signed by the Secretary of the League and thereafter on presentation to the ticket agent will be good for a return trip ticket at one-third rate.

REDUCED FREIGHT RATES TO THE CONVENTION.

Following the idea which was inaugurated four years ago, the various supply houses and manufacturers engaged in selling goods to municipalities have been invited to make an exhibition of their goods, and the various railroad companies will carry all exhibits to and from the convention for a one-way rate for the round trip.

SPECIAL HOTEL RATES FOR THE DELEGATES.

Hotel Del Monte—Reservations will be made in the order received at the hotel office for accommodations which are available as follows:

32 single rooms without bath on 5th floors of annexes, \$2.50.

52 rooms without bath on 4th floors of annexes:

At \$4.00, one in a room, no bath.

At \$7.00, two in a room, no bath.

At \$4.50, one in room, with bath.

At \$8.00, two in room, with bath.

25 rooms without bath, main building back:

At \$4.00, one in a room.

At \$7.00 two in a room.

Rooms with and without bath on 1st, 2nd and 3rd floors of annexes and 2nd and 3rd floors, main building:

At \$4.50, one in a room, without bath.

At \$8.00, two in a room, without bath.

At \$5.00, one in room, with bath.

At \$9.00, two in room, with bath.

Elevator runs to 3rd floor only.

HOTELS AT PACIFIC GROVE.

Pacific Grove Hotel—American plan only. 95 rooms.

\$3.00 for one person, with detached bath.

\$5.00 for two persons in a room, with detached bath.

Rooms with bath \$4.00 and \$5.00.

Where there are two in a room, the rate is \$7.00 to \$9.00.

Hotel Del Mar—European plan only. 52 rooms.

\$0.50 for one person, detached bath.

Two in room, \$0.75 to \$1.00.

Room for single person, with bath, \$1.00.

With two persons in such room, with bath, \$1.50.

HOTELS IN CITY OF MONTEREY.

Royal Hotel—Alvarado Street. European plan only. 50 rooms.

Rooms for one person, \$0.75.

Rooms for two persons, \$1.00.

All baths detached.

Hotel Federal—Alvarado Street. European plan only. 39 rooms.

Room for one person, \$0.75.

Room for two persons, \$1.00.

All baths are detached.

Pacific Ocean House—Alvarado Street. European plan only. 40 rooms. \$0.50 per person, whether one in room or two in room.

All baths detached.

Monterey Hotel—Alvarado Street. American plan only. 65 rooms. \$2.50 per day, detached bath.

\$3.00 per day, with bath.

This rate is for each person, whether one or two should occupy the same room.

Underwood Rooming Apartments—Alvarado Street. 50 rooms.

All rooms with baths, \$1.00 for each person, whether one or two should occupy the same room.

Note: The Pacific Grove Hotel and the Del Mar Hotel run free buses to all trains, and in Monterey, the Monterey Hotel runs a free bus to all trains.

Note: Reservations must be made for rooms at any of the hotels above mentioned and such reservations will be taken care of and be made in the order received at the hotel office for accommodations which, at the time of the receipt of such reservation accommodations may be available.

CITY ATTORNEYS OF THE SAN FRANCISCO BAY REGION HOLD A MEETING.

The City Attorneys' Club of the San Francisco Bay region held its regular monthly meeting on Saturday evening, August 29th, in the banquet room of the Hotel Sutter in San Francisco. Hon. Percy V. Long as host of the evening occupying the chair. The city attorneys present sat down to supper at 6 o'clock p. m. and when the good things had been disposed of an intellectual treat was offered by City Attorney O'Donnell of Vallejo, Assistant City Attorney Hart of San Francisco and Assistant City Attorney O'Brien. Mr. O'Brien reported his ideas regarding a model motor vehicle ordinance for cities. There was considerable discussion with the result that the suggested ordinance with some amendments will be submitted to the Department of City Attorneys at Monterey for further de-

bate. The question of the eradication of weeds was given some consideration.

A new law which would require houses to be set back a certain distance from the property line was suggested as being something very much desired.

It was moved, seconded and carried that a committee be appointed to draft a new law which would require a City Planning Commission in all cities. The following committee was appointed in accordance with the resolution: Loeke of San Anselmo, Chairman; Rutherford of Napa, Cornish of Berkeley, O'Donnell of Vallejo and Hart of San Francisco.

A proposed new law to authorize the establishment and maintenance of hospitals outside the boundaries of incorporated cities was referred to the same committee.

City Attorney O'Donnell of Vallejo and Assistant City Attorney Hart of San Francisco were appointed as a committee to co-operate in drafting an ordinance to provide for meat inspection.

City Attorney Greene of Antioch and Pittsburg and City Attorney Cornish of Berkeley were appointed on a committee to consider certain proposed amendments to improvement laws, with instructions to transmit their ideas to Mr. Lorin A. Handley, President of the Board of Public Works of Los Angeles, who is on the program to deliver a paper at Del Monte on this subject.

On motion duly made and unanimously adopted the by-laws of the City Attorneys' Club were amended so as to provide for the election of honorary members; thereupon Mr. John T. Nourse, Deputy Attorney-General and former Assistant City Attorney of San Francisco, was elected an honorary member of the club.

After giving the matter careful consideration the members present concluded that it would be desirable to hold another meeting of the club prior to the League meeting to be held at Del Monte, and the time set for the next meeting is Saturday, October 3rd, at 3 o'clock in the afternoon, so that some

business may be transacted before dinner. The meeting will be held at the famous resort at San Bruno known as Unele Tom's Cabin, with Judge J. F. Davis, City Attorney of Burlingame, serving as host. A special effort will be made to secure a large attendance of city attorneys at this meeting.

DEPARTMENT OF CLERKS, AUDITORS AND ASSESSORS.

PROGRAM.

Tuesday, October 13th.

Equalized Land Assessments: M. W. Pratt, Chief Deputy Assessor of San Francisco.

Assessment of Personal Property: H. L. Moody, City Assessor of San Diego.

(Discussion.)

Cost Accounting: T. R. Trotter, City Auditor of Pomona.

Suggestions from the Secretary: Frank Kasson, City Clerk of Palo Alto.

Wednesday, October 14th.

Filing of Documents: Heman Dyer, City Clerk of Pasadena.

Indexing Documents: Frank M. Smith, City Clerk of Oakland.

(Discussion.) Leader, Charles L. Wilde, City Clerk of Los Angeles.

Segregation of Accounts: David C. Scribner, City Clerk of Napa.

Thursday, October 15th.

Tenure of Office for Trained City Officials: B. F. Hudspeth, City Clerk of Chico.

Four-year Term for Clerks: G. C. Plump, City Clerk of Redwood City.

(Discussion.) Leader, Roy E. Walter, City Clerk of San Jose.

Innovations: Round-table Discussion of the Progress and Problems of the Year.

New business.

Unfinished business.

Election of officers.

CONTROLLER'S DEPARTMENT

State of California

Sacramento, September 2, 1914.

Mr. H. A. Mason,

Pacific Building, San Francisco.

Dear Sir: This office is interested in having a good attendance at Del Monte next month at the Annual Convention because we believe that everything a city clerk attends he lightens our work

just that much and makes a more accurate and comprehensible report of his city's financial condition.

Have you any plan or can you suggest anything in which we can assist you in getting the clerks and auditors to attend this meeting?

Very truly yours,

JOHN S. CHAMBERS, Controller.

By C. E. Cooper, Statistician.

City of Pasadena

DEPARTMENT OF PUBLIC FINANCE

A. L. HAMILTON
COMMISSIONER
VICE-CHAIRMAN OF COMMISSION



Pasadena, California

BOARD OF CITY COMMISSIONERS

R. L. METCALF, CHAIRMAN
COMMISSIONER OF PUBLIC AFFAIRS
A. L. HAMILTON, VICE-CHAIRMAN
COMMISSIONER OF PUBLIC FINANCE
W. B. LOUGHERY
COMMISSIONER OF PUBLIC SAFETY
T. O. ALLIN
COMMISSIONER OF PUBLIC WORKS
M. H. SALLISBURY
COMMISSIONER OF PUBLIC UTILITIES

July 28, 1914.

Mr. L. Fred Morgenstern,
Chairman, Finance Committee,
City Council,
Alameda, California.

My dear Sir:

I am in receipt of yours of the 25th inst. with reference to the system of accounts installed by Mr. Dolge for Pasadena City. The system is based upon the budget and has been very satisfactory in its workings during the past year. It was installed in July of last year. We are able at any time to know the exact condition of the city's finances with reference to its budget expenditures. Monthly statements are made by the auditor, which show the exact financial condition. These statements can be had at any time and for any single department or single budget item. We consider the investment in the installation of this system an exceptionally good one.

We recommend Mr. Dolge to you as one who is competent to give you an up-to-date municipal accounting system.

Very truly yours,

A. L. Hamilton

Commissioner of Public Finance.

UNIFORM MILK AND MEAT INSPECTION ORDINANCES

[Report of City Attorney W. T. O'Donnell of Vallejo to the City Attorney's Club of the San Francisco Bay region, at the occasion of a meeting held August 29, 1914, at the Hotel Sutter, San Francisco, Mr. O'Donnell being chairman of a committee on the above-entitled matter.]

Standardizing of laws is within the spirit of the movement of the present day. Independence, isolation, self-sufficiency have run the limit of what is permissible. We are now seeking for co-ordination, for harmony, co-operation and for mutual promotion of one another's efforts. Whatever shows constructive endeavor towards mutual and common standards of social order, indicates progress along rational and healthy lines. Science and invention, medical discovery and advance, an awakened moral and political conscience—all compel us to recognize, on the one hand, the duty of one community to another, and, on the other hand, the dependence of one community on another.

Federal pure food laws, federal quarantine, federal meat inspection, federal white slave punishment, are instances of impatience with the non-action of backward States. They are instances, too, of the higher conscience and sense of obligation in the Nation. If they came as supplementary legislation to State action, so as thereby to cover the whole field of jurisdiction, federal and State, they would be even more encouraging than they are. As they stand now, they are rather a reproach to the States for failing to occupy the ground of legislation which is properly theirs. They indicate, too, a desire and determination on the part of the better public opinion to cover with uniform legislation as large a field as it is possible for the central government under our form of constitution. So, while a reproach, they are also an example and an inspiration.

Likewise, the failure of municipalities to live, uniformly, up to the highest standards, in morals, health, good order, and justice, is driving the State to take action in matters which have been considered largely of local concern. State racetracks and gambling legislation, State legislation of the social evil, a State Board of Health, and the enlarged functions of the Railroad Commission, are but instances of State action taken, not to supplement local initiative, but to supply the place of local non-action. We must move toward large, generous and constructive standards for laws on many subjects throughout the Union, if we do not want an enlargement of federal authority and control. We must likewise be alive to our responsibilities in municipalities, and establish wise, liberal, scientifically conceived policies, on a generally accepted and model basis, if we don't want the State to come in and take over the conduct of our local life. Let us, in State or in local communities, do our full duty to ourselves and to our neighbors, and then see that the Nation supplements and completes the action of its States, and that the State supplements and completes the action of its municipalities.

Out of this large problem I have but a small, although vital, element to consider in this paper—the question of uniform ordinances in respect to milk and meat inspection.

According to the plan advocated by the American Public Health Association, the work of food inspection is divided into three (3) parts:

1. Milk inspection, including supervision of dairies producing milk for delivery within the city, city milk plants

which act as distributing centers, pasteurizing establishments, ice-cream parlors, and butter factories.

2. Meat inspections, including inspection of all food animals at the time of slaughter, and inspection of meat shops within the city.

3. Provision inspection, including inspection of vegetable gardens, restaurants, bakeries, hotels, delicatessen and candy stores.

I. MILK INSPECTION. There are three (3) agencies taking part in the production and handling of milk: (1) The dairy; (2) the common carrier, and (3) the city milk plant. There is no regulation of the handling of milk by common carriers, and the treatment that milk receives in transit is often of the most deleterious sort.

Filled cans stand for hours on platforms in the open. They are set near steam pipes in baggage cars. Sometimes they are wrongfully routed, and arrive at their destination only after a long delay. Regulation of the transportation of milk, and of meat, too, should be provided by State legislation, and placed, let us say, under the State Board of Health or the Railroad Commission. Dairies and city milk plants should naturally be regulated by city ordinances. That this can be efficiently done is shown by the example of many cities. What is known as the score-card system of inspection has the endorsement of the United States Department of Agriculture. This system has demonstrated its practical effectiveness. It works as follows:

A dairy or milk plant proprietor desiring to dispose of his milk in a certain city makes written application to the health authority for a permit therefor. The milk inspector then visits the applicant's premises and scores the place by means of the official score-card. If the applicant's score is 60 or more, the inspector recommends that he be granted a permit. If the score is less than 60, but more than 40, the applicant may, at the discretion of the health department, be granted a temporary permit for a limited time, at the end of which he must qualify for a permanent permit.

The inspector leaves with the applicant a duplicate copy of his score-card, and constantly advises him of changes to make in order to raise his score. The method used is to encourage the milk dealer, by praising his efforts, to raise his standard. If, at the end of a few months, the dealer has proved unresponsive, he will be summoned before the health authorities to show cause why he should not be prosecuted, and disqualified from further selling milk in the community.

The Food Supply Committee of the City Club of Berkeley, a committee of experts who have investigated the subject thoroughly, sets forth the following as the ideals to be attained in the production and handling of the milk supply:

1. Milk from all cows not free from tuberculosis, as demonstrated by a satisfactory tuberculin test applied at least annually, to be pasteurized under regulations laid down by the Board of Health, the chief provision of which would be the raising of the milk to a temperature of at least 145° Fahrenheit and maintained there for twenty minutes.

2. The payment of a sufficient wholesale price for milk to enable the producer to cool his milk to a temperature of 55° Fahrenheit or less, and to ship the same in jacketed cans.

3. Provision made by transportation companies for the proper handling of milk in transit by storing it under roofed platforms at shipping stations and properly transporting it in unheated cars.

4. The delivery of all milk in bottles bearing the dealer's name.

5. The organization of neighboring cities into food inspection districts, thus obtaining uniformity of methods and economy of administration, which is entirely impossible under our present laws.

II. MEAT INSPECTION. Meat inspection is only second in importance to adequate milk inspection and supervision. It is secondary in importance because milk is more largely used in an uncooked state and because it is the food of infants. Live stock is subject to some diseases that are transmissible to man.

There are other diseases which render meat absolutely dangerous for food, and still others which make it unwholesome. Under a proper supervision none of such diseased meat would be consumed as food. Yet, the truth is, that very little escapes finding some market and being ultimately consumed as food.

The presence of certain diseases can only be ascertained by inspection of the live animal. This necessitates having supervision over the slaughtering of animals by competent officials. The United States has an inspection service under which passes from 50 to 65 per cent of the killed meat of the country as a whole. But the federal jurisdiction extends only to inter-State and foreign trade. There are no State inspection systems of meat. The local communities are left to take care of their own health in this respect.

The Food Supply Committee of the City Club of Berkeley tells us:

"The country slaughter-house is usually the most unsanitary food-producing institution. We find in existence collections of filth. Decomposed meat and blood, animal excreta, and the like, are responsible for a condition that would discourage a self-respecting citizen from ever entering upon the premises of such places. In addition to this, there is also the practice of killing unprofitable cows from dairies which, in many cases, are unprofitable because they are badly infected with tuberculosis. The conditions vary somewhat in our different cities. The animals killed in the cities are usually in better condition than those killed in the country. The reason is that the country slaughter-house is a means of using these unprofitable cows. The city establishments use a smaller number of very badly infected animals on account of the unfavorable advertising it gives them to have such animals in their possession. Nevertheless, there are many of very badly diseased animals that cannot be detected except at the time of slaughter."

The same committee sets forth the following as essentials for efficient meat inspection:

1. Veterinarian inspection of animals before slaughter, and at the time of

slaughter to determine healthfulness and wholesomeness of meat.

2. The supervision of the processes of lard and sausage making, canning of meats, preparation of hams, bacon, and other meat food-products.

3. The inspection and scoring of retail markets, to determine sanitation of buildings and equipment, to note the stamping of meat sold, in order to know that it has been slaughtered under proper inspection, and to see and stamp all acceptable animals at depot platforms which might be shipped in from country districts under proper regulation.

If we need the kind of laws thus indicated, it would seem to be obvious that legislation must be practically uniform in order to be effective. No matter how good the ordinance in any given municipality, nor how efficient the administration, the health of that community is imperiled by lax laws or poor administration in a neighboring locality. The meat supply in one city, whose ordinances may be all that is desired, is vitiated by the meat coming from a source whose supervision is the loosest.

Berkeley, for instance, is one of a series of seven separate but continuous municipalities on the east side of San Francisco bay. Furthermore, it is dependent in a greater or less degree on San Francisco for its food supplies. While, therefore, it is claimed Berkeley has good ordinances, they are rendered of little avail, from what I understand, on account of inferior laws of neighboring cities which supply it with meat. And, then again, meat or milk which won't be received in Berkeley, let us say, will find a market in a community whose laws and inspection are weaker. Thus, the lack of uniformity makes the less provident community a dumping ground for food that won't be received in the better regulated communities; while even the far-sighted and well-regulated communities must suffer for the carelessness of their neighbors.

Economy and efficiency, likewise, will be prompted by common ordinances and by co-operative administrations. Cities which are situated so as to be interdependent should combine according to

a general scheme. They should have common health and inspection officials. The expense of inspection should be apportioned among the municipalities concerned, and by this means capable and competent inspection officials could be employed at a salary in keeping with their services rendered, and such officials would be removed from local influences.

Doubtless a statute passed by the State Legislature would be helpful, authorizing several cities or towns, or one municipality, or several municipalities, together with surrounding rural territory, to form a health and inspection district. And, again, pending amendments to the State Constitution may afford relief. Section 6 and Section 7½ of Article XI are the provisions to which I refer. (Assembly Constitutional Amendments Numbers 81 and 60.) Section 7½ provides for county charters. The change proposed therein is to authorize certain county officials to assume the performance of certain municipal functions when sanctioned by the cities concerned. The change in Section 6, to which I refer, is the counterpart of the change proposed in Section 7½, and authorizes cities to delegate the discharge of certain of their functions to county officials.

No more beneficent work could be done to promote the health of the people of the State, and to make California more famous and desirable and attractive to the better classes of immigration than to enact uniform model ordinances on food inspection, particularly for meat and milk, and to secure efficient administration thereof.

[Minority report by Mr. Hart, Assistant City Attorney of San Francisco.]

Mr. O'Donnell has, I believe, presented to you the problem of meat inspection in the State. He has clearly demonstrated the present system by which each county inspects its own meat, rejecting or accepting the inspection stamp of other counties as it sees fit. It shall be my endeavor in this short paper to suggest an outline of a State Meat Inspection law which shall supersede the ordinances at present in force in the various counties of this State. Not only do the ordinances of some of the counties

of the State differ in their standards and requirements, but there are many counties which as yet have no inspection at all. In these counties a butcher may buy any kind of cattle, diseased or otherwise, and sell them to the inhabitants of the towns without inspection whatsoever. The result is that many animals afflicted with tuberculosis and other diseases are sold.

The regulations of the United States Department of Agriculture governing meat inspection are the marvel and model of the present-day world. They are the result of careful scientific investigation plus what years of experience and experiment have contributed. They are the model upon which the regulations of the Board of Health governing meat inspection in the City and County of San Francisco have been based. Nothing better has been found and they are therefore offered as the basis of the proposed State statute governing meat inspection.

Meat inspection should be placed in the hands of the State Board of Health, who shall appoint a chief inspector and field assistants paid from the State treasury. The State should be divided into meat inspection districts coinciding, as far as possible, with county lines; districts in no case including portions of more than one county. The regulations governing the actual inspection should be those of the United States Department of Agriculture, substituting the word "California" for the words "United States" wherever it occurs.

The above is but a tentative outline, or rather a suggestion of what a State law should contain. In closing, I would suggest that a committee be appointed to further consider this matter and to present at the next meeting of this body a fully detailed statute embodying the suggestions made above, with any further ideas that may be presented by any of the gentlemen present. I would suggest, moreover, that such a committee consult the various health officers of the State and the members of the State Board of Health in order to get their ideas and assistance, which I feel sure will be of value to us in this matter.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

Water Rates, regulating. Monrovia, 449-e.

Inflammable Weeds, declaring same a nuisance and requiring removal from real property. Monrovia, 449-b.

Recorder, fixing salary of. Placerville, 449-d.

Intoxicating Liquors, prohibiting sale of. Oxnard, 450-a.

Ex-Officio Health Inspector, providing that health officer shall be, and prescribing rules and regulations relating to collection and disposition of milk. Oxnard, 450-b.

City Assessor, electing to have independent assessment made by. Alameda, 450-e.

Compensation of City Officers, fixing the. Placerville, 450-d.

Merchants, Auctioneers and Peddlers, repealing the license upon. Santa Cruz, 450-e.

Park Regulations, establishing. Monrovia, 450-g.

Domestic Animals, Poultry, Rabbits or Hares, regulating the keeping of. Monrovia, 450-h.

Excavations in Streets, regulating the making of and laying water pipes therein. Auburn, 450-i.

Water Rates, establishing. Placerville, 450-j.

Storm Sewer in Burlingame, authorizing San Mateo to construct. Burlingame, 450-k.

Manufacturing Licenses, repealing. Placerville, 450-l.

Sanitary Sewers, specifications and adoption of. Huntington Beach, 451-a.

Gambling, prohibiting same and presence at gambling games. Placerville, 451-b.

Billiard and Pool Rooms, licensing. Coronado, 451-d.

Electric Railroad, granting a franchise for. Lordsburg, 452-a.

Glanders and Contagious Diseases of Horses, requiring veterinary surgeon to report cases of. Rio Vista, 452-b.

Varicella or Chicken Pox, requiring health officer to report. Rio Vista, 452-c.

Public Health, providing regulations in regard to. Rio Vista, 452-d.

Swine, prohibiting the keeping and requiring written permission to keep cows. Rio Vista, 452-f.

Railroad Company, granting franchise to. San Diego, 452-e.

Intoxicating Liquors, regulating the sale of. Elsinore, 453-a.

Business Licenses, providing for. Los Angeles, 453-b.

Stables, prohibiting erection or maintenance of within fifty feet of any residence, school or church. Rio Vista, 453-c.

Speed of Vehicles, regulating. San Diego, 453-d.

Business Licenses, providing for. Monrovia, 453-e.

Calves, regulating the slaughter and sale of and prohibiting the transportation of uncovered carcasses. Rio Vista, 453-f.

Dairies and the Sale of Milk and Cream, regulating. Los Banos, 454-a.

- Clothes in Laundries**, prohibiting the spraying of through the mouth. Rio Vista, 454-b.
- Licenses for Certain Occupations and Amusements**, providing. Coronado, 454-c.
- Billboards**, providing manner of construction and maintenance and establishing license tax on. Richmond, 454-d.
- Business Licenses**, establishing. San Buenaventura, 455-a.
- Skates and Roller Coasters on Sidewalks**, regulating. Oakland, 455-b.
- Nurseries and Green Houses**, regulating sanitary condition of. Burlingame, 455-c.
- Business Licenses**, regulating. Richmond, 455-d.
- Official Grade**, establishing. Auburn, 455-e.
- Telegraph and Telephone System**, granting franchise for. San Fernando 456-a.
- Traffic on Streets**, regulating. Monrovia, 456-b.
- Business Licenses**, fixing rates. San Mateo, 456-c.
- Business Licenses**, fixing the rates of. Pomona, 456-d.
- Contagious Diseases**, authorizing the removal of persons afflicted with. Rio Vista, 456-e.
- Garbage, Waste Matter and Manure**, relating to. Palo Alto, 456-f.
- Markets, Creameries, Bakeries, Stores, Butcher Shops, Etc.**, regulating the sanitary condition of. Rio Vista 456-g.
- Pound Master**, creating the office of and providing compensation of. Mill Valley, 456-h.
- Trains on Public Streets**, making it unlawful to operate same faster than 15 miles an hour. Upland, 456-i.
- Board of Health**, establishing. Upland, 456-g.
- Houses**, prohibiting the moving of without a permit. Upland, 456-k.
- Freeholders**, calling election for. San Diego, 456-m.
- Animals With Contagious Diseases**, providing for disposition of. Rio Vista, 457-a.
- Boulevards**, authorizing the use of by the county as part of the county highway system. Santa Barbara, 457-b.
- Billiard and Pool Halls**, prohibiting attendance of minors under 16 years. Los Banos, 457-e.
- Street Car Transfers**, prohibiting the giving to persons not entitled to. San Diego, 457-d.
- Pasteurizing Milk**, regulating the production, handling, sale and disposition of. Alameda, 457-f.
- City Commission**, fixing the time of meeting of. Sacramento, 457-j.
- Street Traffic**, regulating. San Diego, 457-l.
- City Attorney**, prescribing the duties of. Sacramento, 458-a.
- Street Names**, changing. Venice, 458-b.
- Public Nuisances**, declaring tainted, decayed or otherwise unfit food or drink to be. Rio Vista, 458-c.
- Purchasing Agent**, prescribing the duties of. Sacramento, 458-d.
- Billiard and Pool Rooms**, regulating. Chino, 458-e.
- Billiard, Pool Halls and Bowling Alleys**, providing license for regulating conduct of. Los Banos, 458-f.
- Meat and Meat Products**, providing for inspection and prohibiting sale. Los Banos, 459-a.
- License on Wagons or Other Vehicles**, establishing. San Mateo, 459-b.
- Intoxicating Liquors**, regulating the traffic in. Los Banos, 459-e.

**RECENT DECISIONS OF THE PUBLIC UTILITY COMMISSION
(RAILROAD COMMISSION) OF CALIFORNIA OF
INTEREST TO MUNICIPALITIES**

City of Monterey v. Coast Valleys Gas and Electric Company. Case No. 499. Decided June 30, 1914.—Complainant alleges that the present rates for gas service in the city of Monterey are unjust and unreasonable, and petitions the Commission to establish reasonable rates for such service.

Held, After thorough investigation, defendant directed to publish and place in effect within twenty days a rate of \$1.30 per thousand cubic feet for first 5,000 cubic feet and \$1.00 per thousand cubic feet for all amounts in excess of 5,000 cubic feet per month through a single meter, with a minimum charge of 60 cents per month. Gas to have an average heating value of not less than 600 British thermal units per cubic foot.

Held, That the occasion of early losses in the operation of a utility can not tend to make such property more valuable, although it does make it more costly; that such losses might be considered, on grounds of equity, in reaching a value for rate-fixing purposes, though the practice of utilities in submitting grossly exaggerated values in the hope that the Commission will "split the difference" does not tend to secure to the utility such just consideration.

Held, That the element of hazard, when taken in connection with the establishment of a basis covering "cost of money" invested in a public utility of this character, should be considered in connection with the protection from competition given such utility by the State, through this Commission.

The City of Los Angeles v. Southern California Gas Company, Los Angeles Gas and Electric Corporation, Southern California Edison Company, and Economic Gas Company. Case No. 594. Decided July 6, 1914.—Complainant, City of Los Angeles, petitions the Commission to compel defendant gas companies, serving gas within the limits of said city, to resume the distribution of natural gas or "mixed gas," and also to compel the Southern California Gas Company, controlling the natural gas supply, to deliver to certain distributing companies such quantities as they may desire to purchase.

Held, That the city charter of complainant gives it the power "to prescribe the character and quality of any public utility service." That therefore this Commission can not assume such jurisdiction, which portion of the complaint is therefore dismissed.

Held, That as the point of delivery of natural gas in wholesale quantities by the Southern California Gas Company is situated in unincorporated territory, this Commission has jurisdiction to compel such delivery. That a utility of this nature can not arbitrarily discontinue service unless compelling reasons for such discontinuance can be shown.

Held, Southern California Gas Company directed to deliver natural gas under the rates prescribed by this Commission to such companies desiring such service within twenty-four hours after demand.

Town of Antioch v. Pacific Gas and Electric Company. Case No. 400. Decided July 6, 1914.—Complainant alleging that rates of respondent for electric energy supplied consumers in the town of Antioch are unjust and exorbitant, petitions the Commission to establish just and reasonable rates for the different classes of service.

Held, After a thorough analysis of the various elements entering into the basis upon which equitable rates may be established and a thorough research into cost of producing and distributing electric energy, which cost includes the establishment of proper amounts covering overhead expenditures, depreciation annuity, development cost, etc., and basing its order on the conclusions reached therein, just and reasonable rates are prescribed. These rates include a top rate of 7 cents per kilowatt hour for first 20 kilowatt hours per month with a minimum of \$1.00, for general lighting purposes; $3\frac{3}{4}$ cents per kilowatt hour for street lighting purposes; 7 cents per kilowatt hour for first 50 kilowatt hours per horsepower per month and graduating to 1 cent for over 1,000 kilowatt hours per horsepower per month for power purposes, with a minimum of \$1.00 per horsepower per month up to 10 horsepower and 75 cents per horsepower per month for all over 10 horsepower; rates to become effective within twenty days.

Held, That in establishing the rate to be charged for electric energy sold in Antioch, the Commission will divide the cost into two parts, one being the cost of electric energy delivered at the gates of Antioch and the other the cost of local distribution. These costs are separately determined.

Held, After review of various authorities bearing upon the subject of reproduction value as a basis of return that there is no foundation for the claim that the Commission must confine itself to the estimated reproduction value new; that if a utility has been kept up to a 100 per cent efficiency and a proper depreciation fund maintained, and the estimate does not differ materially from the actual cost, such a basis will have considerable weight, but if the utility has not maintained its system in first-class condition, paying out in dividends money that should have been used for this purpose, a rate based solely upon the cost to reproduce such system new would be extremely unfair to the consumers. Likewise, if such property originally cost an amount, honestly and wisely expended, considerably in excess of what it would now cost to reproduce it, the establishment of a rate upon estimated reproduction cost would be equally unfair to the utility. It is unfair to base a return entirely upon a depreciated reproduction value, such depreciation being computed from the average age of the component parts of the system, which, though in use for several years, are still equal to 100 per cent efficiency.

Held, That though the Commission is not committed to any one theory in determining the fair value of a utility for rate-fixing purposes, and will consider all the elements suggested by the Supreme Court of the United States, giving to each element its fair weight, considerable weight will be given to the money honestly and wisely invested in the property and in building up the business.

Held, As previously determined, the Commission will consider "going value" or "development cost" when such items are not offset by other equitable considerations, as appear in the present case, but only little weight will be given to hypothetical estimates when the actual expenditures are available.

Held, That a utility has a right to look to its consumers for the establishment of a proper depreciation fund; that the annual amount to be set aside for such fund should be based upon the average natural life of the different classes of material, with an allowance for salvage, and likewise an allowance for obsolescence and inadequacy; and that the interest on the depreciation fund should be retained therein and not diverted to other channels.

Held, After a thorough analysis of defendant's construction costs, that 12 per cent is a reasonable allowance for overhead expenditures on the facts of this case.

Held, That a rate of return of 8 per cent is amply sufficient to enable defendant to secure the capital which it needs for construction purposes, that it will yield a liberal margin over the cost of money and that it is a fair rate of return to allow in this case.

Concurring opinion of Commissioner Eshleman:

While generally concurring in the opinion as expressed by Commissioner Thelen, I do not agree upon the doctrine of agency suggested therein as one reason why the original cost should be given great weight.

That though a governmental agency has the power to impose conditions in advance on any business requiring governmental sanction to be carried on, and on the acceptance of such conditions depends their right to do business; such governmental agency can not impose added conditions upon such a concern already sanctioned to do business, which has assumed all obligations required by law at the time of the initiation of its enterprise, excepting those conditions authorized under the police power of the State; that the people should impose conditions at the time of granting privileges and not wait, as has previously been the case, with the expectation of effecting such impositions at a later date, which action is the only method of escape from the payment of rates on public gifts and excessive unearned increment.

That value, as that term is used in rate fixing inquiries, is entirely foreign to value as a commercial term, the latter being based entirely on the returns and the former found for the purposes of establishing a return; that value for rate-fixing purposes can not be fixed by rules of general application, and that no one condition can be controlling in determining the fair amount on which an earning shall be allowed.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Bonds (Cal. App.)—A city treasurer has no authority to refuse to sign a municipal bond, on the ground that the board of trustees might violate their duty by selling the bond for less than par. *City of Venice v. Lawrence*, 141 P. 406.

(Cal. App.)—A notice of election stating that it was intended to issue bonds in the sum of \$20,000 to construct an outfall sewer, and that such sum was the estimated cost of the improvement, sufficiently gave notice of the intention to incur an indebtedness of that amount. *City of Venice v. Lawrence*, 141 P. 406.

§935 (Cal. App.)—All irregularities in proceedings which the Legislature might have dispensed with in the issuance of municipal bonds held cured by Act April 4, 1913 (St. 1913, p. 14). *City of Venice v. Lawrence*, 141 P. 406.

Building Law (Cal. App.)—A city ordinance held to prohibit the erection or removal of a "shake house" without a permit from the board of trustees, regardless of the value or cost of such construction. *Hood v. Melrose*, 141 P. 396.

Condemnation Proceedings—It is not incumbent on a city, in order to show necessity for condemnation of land for park purposes, that it prove a necessity for immediate use, if the land will be reasonably necessary within a reasonable time. *City of Spokane v. Merriam*, 141 P. 358.

Dedication (Wash.)—A statutory dedication of streets to a public use is merely a tender of a servitude or easement to the public, which the public is at liberty to accept or reject. *Smith v. King County*, 141 P. 695.

A dedication of land to public use, whether express or implied, may be revoked at any time before it has been accepted, as by conveying an unaccepted street or highway or applying it to a public use inconsistent with the purpose of the dedication.—*Id.*

(Wash.)—The estoppel arising from the conveyance of property by reference to a plat operates only in favor of those who have been misled to their injury, and they alone can set it up. *Smith v. King County*, 141 P. 695.

Emergency Measures (Cal.)—Under the charter of the city and county of San Francisco, a determination by the board of supervisors that a great necessity or emergency existed warranting the imposition of taxes in excess of the usual limitation held not conclusive on the courts. *San Christina Inv. Co. v. City and County of San Francisco*, 141 P. 384.

(Cal.)—The San Francisco charter, providing that taxes should not exceed a certain rate except in case of emergency, when the limitation might be suspended by ordinance passed by the unanimous vote of the supervisors approved by the mayor, does not require the concurrence of

all of the supervisors elected, and it is sufficient that all present vote in favor of a suspension. *San Christina Inv. Co. v. City and County of San Francisco*, 141 P. 384.

Grading, Damages (Wash.)—Damages from the sliding of earth in front of a house, separated by a street and a block from grading work on another street, held not recoverable, unless such grading was the proximate cause of the sliding. *Johanson v. City of Seattle*, 141 P. 1032.

(Wash.)—Under Seattle city charter, Art. 4, § 29, the filing of a claim for damages held a necessary prerequisite to the maintenance against the city of an action for damages caused by the sliding of the soil of lots resulting from the regrading of a street. *Jorguson v. City of Seattle*, 141 P. 334.

Intoxicating Liquors (Cal. App.)—Municipal Corporation Act, § 867, in so far as it authorized an action for a penalty for the violation of a liquor ordinance, to be prosecuted in the name of the municipality, violated Const. Art. 6, § 20, requiring all process to run in the name of the people. *Ex parte Clark*, 141 P. 831.

(Cal. App.)—A violation of an ordinance of a city, adopted as a police regulation, and making unlawful the sale of intoxicating liquors, was an offense against the public generally, and hence required to be prosecuted in the name of the people under Const. Art. 6, § 20. *Ex parte Clark*, 141 P. 831.

Licenses (Cal.)—A municipality can impose license taxes upon persons displaying advertising cards in railway cars operated through the municipality. *Pacific Rys. Advertising Co. v. Conrad*, 141 P. 916.

(Or.)—That L. O. L. Sees. 4961-4967, except from their operation those peddling agricultural, farm, or nursery products does not constitute an unreasonable classification. *Ex parte Case*, 141 P. 746.

(Or.)—Though a stipulation in habeas corpus for the release of one convicted of peddling without a license shows only a single sale, it is sufficient to show "peddling" where it appeared that it was according to his customary procedure. *Ex parte Case*, 141 P. 746.

Motor Vehicles § 705 (Wash.)—Where a motorist drives his machine at a speed in excess of the rate fixed by ordinance and by State law, he is guilty of negligence per se. *Anderson v. Kinnear*, 141 P. 1151.

Official Bond, Liability—§173 (Okl.)—Where a town marshal makes an arrest without any process and without authority of his office, he is not an officer but a personal trespasser. *Taylor v. Morgan*, 141 P. 679.

Sureties on the official bond of a town marshal are only answerable for his acts while engaged in the performance of some duty imposed on him by law, or for an omission to perform such duty.—*Id.*

Ordinances (Cal. App.)—That more than one purpose was expressed in the title of a city ordinance was immaterial, where a dual purpose contravened no provision of the city's charter. *Hood v. Melrose*, 141 P. 396.

A constitutional provision that acts of the Legislature shall embrace but one subject does not apply to city ordinances.—*Id.*

Powers (Wash.)—A grant of power to a city to provide for lighting the city authorizes the erection and maintenance of an electric plant for lighting the streets, and also supplying, in connection therewith, electric light for the inhabitants of the city in their private homes. *Chandler v. City of Seattle*, 141 P. 331.

Public Utilities (Idaho)—Orders of the public utility commission, organized pursuant to public utilities act, requiring that public utility corporations refrain from constructing their proposed plants in certain cities without having obtained a certificate of public convenience and necessity, held not an interference with any vested rights of such corporations. *Idaho Power & Light Co. v. Blomquist*, 141 P. 1083.

(Idaho)—The public utilities act is not an unlawful delegation of peculiar legislative power to a commission, though it lays down general rules of action under which the commission may proceed, and requires that it apply such rules to particular conditions, and authorizes an investigation of fact by the commission with the view of making orders within such rules. *Idaho Power & Light Co. v. Blomquist*, 141 P. 1083.

Responsible Bidder—The word "responsible," as used in the statute requiring that contracts for the construction of county bridges be let to the lowest responsible bidder, implies skill, judgment, and necessary integrity, as well as sufficient financial resources and ability. *Board of Commissioners of Wyandotte County v. Davis*, 141 P. 555.

Statutes (Nev.)—In the construction of statutes, courts may consider prior existing law upon the subject under consideration. *State ex rel. Bartlett v. Brodigan*, 141 P. 988.

Street Assessments (Wash.)—Where the second improvement for the same locality was void because the total cost of the improvements would exceed the 50 per cent limit prescribed by 3 Rem. & Bal. Code, § 7892—12, the invalidity of the second did not carry with it the first. *Beach v. City of Bellingham* 141 P. 703.

(Wash.)—In reviewing assessments of benefits from public improvements, the courts will not concern themselves with mere differences of opinion as to the benefits, and will interfere only when it appears that the authority levying the assessment acted arbitrarily in disregard of the actual benefits, or proceeded upon a fundamentally wrong basis. *In re Fifth Ave. West*, 141 P. 1035.

Sunday Amusements—§ 2 (Wash.)—While Rem. & Bal. Code, Secs. 2494, 2499, impliedly authorize theaters and shows to be open on Sunday, they do not deprive cities of the right to prohibit such Sunday amusements. *Ex parte Ferguson*, 141 P. 322.

Taxation—The court will not disturb a valuation of property fixed by the assessor, unless the assessment is the result of a rule of valuation designed to operate unequally, which may be done by showing fraud and arbitrariness in fact, or conduct of the assessor amounting to fraud. *Collins v. King County*, 141 P. 305.

∴ What Our Pacific Coast Cities Are Doing ∴

Aberdeen (Wash.), Cosmopolis, Hoquiam, Montesano, Satsop and Elma will probably form water district to secure water from headwaters of Wynoochee River. The assessed valuation on which levy will be made in order to build system is over \$14,000,000.

Alameda will install more hydrants and mains.

Alhambra will soon advertise for bids on a new high school at cost of about \$100,000. Bids were received Aug. 31 for erecting the following schools: Garfield Primary and Marengo Primary.

Auburn will probably purchase an auto truck.

Azusa School Trustees of the Citrus Union High School received bids Aug. 29 for construction of a commercial building.

Berkeley received bids Aug. 14 for an asphalt heating and mixing plant.

Brawley is contemplating a \$40,000 bond election for paving work; also an election to vote \$8,000 for fire apparatus.

Chehalis (Wash.) is considering the purchase of electric lighting system from the Washington-Oregon corporation.

Chino will construct a sewer system in the very near future.

Colefax (Wash.) Plans have been approved for constructing four and one-half miles of permanent Highway No. 9.

Colton electrical plant will double its capacity and three new transformers and other equipment will be installed.

Coronado passed resolution of intention for paving, sidewalk, curbing and the construction of end walls, culverts and sumps upon several streets.

Eagle Rock will receive bids Sept. 8 for erecting hollow tile Carnegie Library.

Elsinore will shortly purchase fire apparatus and install several hydrants.

Eugene (Ore.) will purchase motor combination chemical and hose wagon at an early date. Portion of Eighth avenue will be widened on each side and pavement laid in vacant space. Estimated cost about \$5,397.

Fort Bragg has decided to purchase waterworks owned by a private company.

Glendale has voted bonds for a complete water system.

Glendora will hold a \$37,500 bond election Sept. 10 for a municipal water system.

Hemet may install municipal power plant for the purpose of furnishing electricity for light and power.

Hood River (Ore.) will soon call for bids for paving three sections of the Columbia River Highway.

Kalama (Wash.) is having estimate made for the construction of semi-municipal power and light plant.

Kingsburg received bids Aug. 25 for improving portion of Earl and Lewis streets by grading, oiling, macadamizing and the construction of curbs and sidewalks.

Livermore will receive bids Sept. 8 for construction of new sewers.

Long Beach will hold a bond election in the near future to vote \$1,100,000 bonds, \$400,000 of which will be for the construction of a municipal pier.

Los Angeles—A new bridge may be built over San Dimas Wash and San Buenaventura Road. Bids will be received Sept. 8 for improving two and one-quarter miles of Santa Monica Boulevard. Board of public works received bids Aug. 31 for constructing sewers in portion of the following streets: Fifty-first street, Hill street, Sapphire street, Vignes street and Vermont street. On same date bids were received by the Board of Public Works for constructing Madison-Virgil storm drain at cost of about \$200,000. Engineering department of Harbor Commission has been ordered to prepare plans for a reinforced concrete wharf known as Municipal Dock; estimated cost about \$632,000.

Los Banos city clerk received bids Aug. 12 for Manual Training building for the West Side Union High school.

Mare Island—Bids will be received Sept. 8 for cast iron pipe, valve, etc.

Marysville will receive bids Sept. 8 for constructing bridge at D street over the Yuba River. The cost is estimated at \$130,000.

Modesto Irrigation District will enlarge system at cost of about \$610,000.

Monrovia received bids Aug. 31 for cast iron lighting posts to be constructed on portion of Myrtle avenue; also for the construction of a steel conduit along portion of Myrtle avenue. Trustees may vote \$55,000 for street improvements. A \$40,000 bond election will be held in September for school purposes. On Aug. 31 bids were received for copper wire, lighting posts, conduit, trenching and other apparatus.

Napa will receive bids Sept. 10 for building macadamized pavement in Mt. Veeder and Redwood Permanent Road Division in Road District No. 2.

Newport Beach will hold a \$100,000 bond election for constructing jetty at mouth of bay.

Ocean Park wants a fire engine.

Oroville will receive bids Sept. 7 for improving portion of Meyers street by laying bitulithic pavement on asphalt concrete base.

Pasadena Light Department will probably install another generating unit.

Petaluma will hold another bond election for the following improvements: Paving of Washington street, \$20,000; for Thompson Creek, \$45,000, and for electroliers, \$10,000.

Porterville is contemplating the construction of a municipal swimming pool. Preliminary surveys have been completed for constructing permanent protection works on upper Tule River for protecting Porterville from flood waters. Estimated cost between \$15,000 and \$17,000.

Portland.—The \$1,250,000 Multnomah County bridge bonds have been upheld by the Supreme Court. Bonds will shortly be advertised for sale.

Puget Sound (Wash.) will receive bids Sept. 8 for supplying wrought iron pipe, cast iron elbows, valves, water meters, etc. Address bids to S. McGown, Paymaster General U. S. N., Washington, D. C.

Redondo Beach will probably call a \$121,000 bond election to construct a municipal pleasure pier.

Richmond will hold an election Sept. 22 to issue \$2,500,000 bonds for the purpose of bringing water to Richmond from Sacramento River.

Riverside will receive bids Sept. 10 for improving portion of road from Box Springs to Perris road.

Sacramento received bids Aug. 17 for lighting fixtures for the Manual Training school.

San Bernardino will receive bids Sept. 21 for laying sewers in K and Tenth streets.

San Diego received bids Aug. 31 for 5000 barrels of Portland cement. On same date bids were received for a lot of pipe, etc. Council has authorized construction of concrete dam in the Pine Valley Creek, two miles from Barrett, for impounding about a billion gallons of water. Eleven thousand five hundred dollars has been appropriated from the Harbor Fund to construction of temporary bulkhead north of Grape street.

San Fernando High School District may vote \$150,000 bonds. Bids were received

Aug. 20 for a grammar school in the Morningside School District.

San Jacinto.—A new bridge will probably be constructed on the Relief Hot Springs road of steel and timber.

Santa Ana will shortly receive bids for plans and specifications for concrete bridge across the Santa Ana River. On Sept. 8 bids will be received for motor combination wagon.

Santa Cruz received bids Aug. 10 for cement sidewalk on Windsor street and Second avenue, Seabright. A concrete bridge over the San Lorenzo River is being contemplated; estimated cost between \$30,000 and \$40,000.

Seattle received bids Aug. 31 for the construction of the Franklin bridge.

Sierra Madre received bids Aug. 31 for improving portion of Hermosa avenue by the construction of cement curbs, gutters and reinforced concrete culvert. Board of Education received bids Aug. 29 for the completion of an auditorium building, domestic science building, kindergarten building, and for alterations and installing plumbing in the present grammar school. On Aug. 31 bids were received for grading, oiling, constructing cement curbs, gutters and a reinforced concrete culvert on portion of Adams street. On same date bids were received for replacing old four-inch pipe line with new steel riveted six-inch pipe line on South Hermosa avenue.

South San Francisco received bids Aug. 27 for the construction of concrete curbs and gutters and sidewalks.

St. Helena has adopted plans and specifications for sidewalks and curbs. City Clerk has been directed to advertise for bids for installation and rearrangement of the street lighting.

Stockton received bids Aug. 11 for the improvement of Commerce street. Bids were received Sept. 1 for improving portion of Weber avenue by paving with asphalt macadam on asphalt concrete base.

Toppenish (Wash.) will shortly vote bonds to the amount of \$30,000 for extensions to the water system.

Tulare trustees received bids Aug. 15 for the construction of a grammar school.

Ventura received bids Sept. 1 for the construction of Ventura bridge levee in the bed of the Ventura River.

Visalia city engineer is preparing plans for a new city sewer system.

Watts has voted \$35,000 for building a new school.

Whittier received bids Aug. 24 for improving portion of Greenleaf avenue by oiling and the construction of cement gutters and sidewalks.

CALIFORNIA COUNTIES.

Alameda County received bids Aug. 10 for the improvement of Niles Canyon road. Bids were received Aug. 31 for the construction of a storm sewer on portion of the Castro Valley road. On same date bids were received for macadamizing portion of Crow Canyon road.

Butte County supervisors have purchased bonds to the amount of \$195,000 for the construction of road from Butte county line through Los Molinos to Red Bluff.

Colusa County.—State Highway Commission received bids Aug. 31 for 12.6 miles of concrete pavement from Berlin to Colusa Junction.

Kern County High School will have a new Assembly Hall, also a gymnasium. State Highway Commission received bids Aug. 31 for grading 10.7 miles from south boundary to a point 2.3 miles south of Rose station.

Los Angeles County supervisors have decided to make an appropriation of about \$400,000 for road connecting Antelope Valley through Mint Canyon.

Orange County will receive bids Sept. 2 for the improvement of Section 2 of Talbert road. On same date bids will be received for constructing a reinforced concrete bridge across Coyote Creek on Los Alamitos road. State Highway Commission received bids Aug. 31 for 7.4 miles of concrete pavement from Santa Ana to Irvine.

Sacramento County supervisors will probably hold a bond election Sept. 26 to vote \$2,425,000 for good roads.

San Benito County supervisors received bids Aug. 17 for the construction of a steel bridge over the Pajaro River.

San Diego County will receive bids Sept. 10 for the construction of a reinforced concrete girder bridge across El Horno Creek.

San Joaquin County will build steel bridge at Woodbridge.

San Luis Obispo County received bids Aug. 31 for laying ten miles of concrete pavement from Atacadero Creek to Paso Robles.

Santa Clara County Engineer has prepared plans and specifications for a highway bridge over the San Benito River on the San Juan-Sargents stretch of highway.

Shasta County will receive bids Sept. 10 for the construction of a steel wagon bridge over the Pitt River at McArthur.

Siskiyou County will build a new building for the Montague Grammar school.

Tulare County Highway Commission proposed a bond issue of \$1,000,000 for roads.

Yuba County.—State Highway Commission received bids Aug. 31 for 3.2 miles of concrete pavement between south boundary and Morrison crossings.

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QUESTIONS AND ANSWERS

This department is for the use of city officials only. City Attorneys or others who may dissent from any opinion rendered or answers given, or who may be able to give additional information of value on the subject of any inquiry, are earnestly requested to write us at once in order that we may transmit such further information to the official making the inquiry. When requested, inquiries will not be published.

Q. One of the bridges in Dunsmuir is in a very dangerous condition and it is very necessary that another be constructed immediately. The bridge will cost over three hundred, but if the Trustees advertise for bids, the traffic will be held up and much loss will be sustained by the property owners. Do you consider this such an emergency as will excuse from the operation of Act 2348, section 874, of the 1911 and 1913 amendments?

ANS. The situation explained by you is one in which we think you may exercise the privilege provided in Section 874 of the Municipal Corporation Bill as amended by the Legislature of 1913. Would advise you to consider the matter an emergency and go ahead and construct the bridge without advertising for bids.

Q. A proposed new charter has been filed with the city clerk by the Board of Freeholders. It seems that during the time that the Board of Freeholders were engaged in drafting the charter, they employed an outside party, who was not a Freeholder, to act as their secretary. This secretary has filed a claim against the city, including the necessary expenses of typewriting and stationery, and, in addition, a salary of \$50.00 for the secretary. The question has been raised as to whether all or any part of this claim is a proper and legal charge against the city. I have been unable to find any authorities upon this point, and would be very much pleased to have an expression of your opinion in the premises. It has been the practice for former Boards of Freeholders to designate one of their own number as its secretary, and this secretary has heretofore been paid by the city.

It has seemed to me that since the Constitution provides the method of making charters and charter amendments, the necessary expenses of typewriting, stationery and

other incidentals would be a proper charge against the city, but the question I have in mind particularly goes to the point of the secretary's individual claim.

ANS. In my opinion the claim of the person for services as secretary of the Board of Freeholders is a lawful one, and should be honored and paid, providing his demands are not unreasonable. My opinion is based on the fact that the Constitution provides that the Board of Freeholders elected shall "prepare and propose a charter," and it would be unreasonable to hold that they should not be entitled to certain incidental expenses which would naturally be connected with their work. Section 2168 of "McQuillan on Municipal Corporations" (Vol. 5 of edition of 1913) says:

"While the payment of claims which are neither legal or equitable is an expenditure for other than public purposes, yet the payment by municipal corporations of claims founded in justice and supported by a moral obligation only does not conflict with constitutional provisions forbidding the making of gifts."

"The discharge of a recognized moral obligation assumed for services rendered; by payment thereof, has been held repeatedly not to constitute a donation of public funds." (Morris Er. Co. v. Newark, 70 Atl. 194.)

"Moral obligations although not legal obligations may be compensated." (Justice v. Philadelphia, 31 Atl. 925.)

Q. As City Attorney of the City of Sutter Creek, Amador county, California, on August 3, 1914, I was requested by the Board of Trustees of this city to answer the following question:

Robert W. Hunt

John J. Cone

Jas. C. Hallsted

D. W. McNaugher

Robert W. Hunt & Co., Engineers**Bureau of Inspections, Tests and Consultations****Chemical and Physical Laboratories**New York
Vancouver, B. C.

Chicago

Pittsburg

St. Louis

Montreal

Mexico City

Seattle

Los Angeles

Dallas

251 Kearny St., San FranciscoTests and Inspections of Construction Materials, Steel, Iron, Cement, Stone, Sand,
Asphalt, Etc. Particular Attention paid to Municipal and County requirements**SMITH, EMERY & COMPANY****INSPECTING AND TESTING ENGINEERS AND CHEMISTS****651 HOWARD STREET
SAN FRANCISCO****245 SO. LOS ANGELES STREET
LOS ANGELES***Inspectors of***IRON, STEEL, CEMENT****STREET AND ROAD MATERIALS****MUNICIPAL AND COUNTY SUPPLIES***Seattle**New York**San Diego**Chicago**Puebio**Philadelphia**Birmingham**Montreal**Pittsburg**Glasgow*

"Is it lawful for said Board of Trustees of said city to pay the Recorder compensation on the fee system?"

My answer was as follows:

"I am compelled to say that the Board has no authority to allow compensation on the fee system on account of Constitutional Amendment to Article 6, Section 15, Statutes of 1911, page 2162, which reads: 'No judicial officer shall receive any fees for his own use.' Therefore, I would say, it is your duty to provide a salary for the services of the City Recorder. The board may establish a scale of fees, but the fees must go into the city treasury."

Then and there the board submitted the following question: "Is it lawful to pay the City Recorder a per diem of say \$5.00 for each case or proceeding before him?" My answer was, "Not lawful, for that would partake of the fee system, as it would have to be submitted to the board in the form of a claim for services rendered and would have the same objection that the fee system possessed. The difference with the salary system is that it is fixed, and the board having

fixed the salary, it ceases to be a claim to be allowed and passed upon by the board." Is my answer correct?

It seems to be the idea of the board to pay a per diem to the City Recorder. This is a small city of the sixth class, about 1000 inhabitants, and, therefore, as yet there has been very little for the Recorder to do.

Will you be kind enough to suggest a way out of this difficulty by return mail, for which I will be truly thankful.

ANS. Your answers to both questions were correct in our opinion.

Would suggest that you provide a monthly salary for the Recorder's compensation, based upon the amount of work heretofore performed by him as shown by the docket.

For example, suppose you find on looking over the docket for the past two years that he has averaged about three cases a month. In such case ten dollars a month would be a fair salary. Being

an appointive office, the salary may be increased or diminished any time, so as to be commensurate with the services rendered.

Q. The law says that in municipalities of the sixth class no one shall hold the office of Trustee who has not resided in the town for one year at least.

A Trustee resigns and the vacancy is filled by the Board and the new member takes the oath of office, but has not taken his seat on the Board. It develops that he has only resided in the town 31 days. Query: Can he retain his seat and are the acts of the Board legal under such circumstances?

ANS. Answering your inquiry of August 5th, will say: The appointee in the case you state is not eligible to hold the office of Trustee, as Section 857 of the Municipal Corporation Bill provides as follows:

"857. No person shall be eligible to or hold any elective office in such city, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding, etc., etc."

Although he cannot retain his seat, the acts of the Board would not be illegal or otherwise affected by reason of his participation, as the law would regard him as a defacto member until the office was properly filled.

Q. Will you kindly refer me to any law that you know of that will permit an incorporated city, together with the surrounding territory, to be formed into a district for the purpose of exterminating mosquitoes and flies, and the cost of which is to be met by a special tax levy.

ANS. There is no law that we know of that will permit an incorporated city, together with surrounding territory, to be formed into a district for the purpose of exterminating flies and mosquitoes, the cost of which may be met by a special tax levy. Mr. Kirkbride, City Attorney of San Mateo, had such a law under consideration for presentation to the last Legislature, but at the last mo-

ment some other way was found to handle the matter. San Mateo, Burlingame and Hillsborough collected money for this purpose, but I believe the territory embraced was all incorporated and consequently there were no legal obstacles.

Q. Can you refer me to a California city having a charter provision authorizing the city itself to improve streets and assess the cost thereof against abutting property instead of following the usual practice of letting a contract to the lowest bidder. If so, I would like to secure a copy of such charter provision for our use.

ANS. Regret to say that I cannot refer to a California city that has a charter provision authorizing the city itself to improve streets and assess the cost thereof against abutting property owners. The committee of city attorneys appointed by the League of California Municipalities who framed the "Improvement Act of 1911," considered such a proposition for incorporation in the improvement act to be invoked in case no contracts were received from private contractors, but they came to the conclusion that such a provision could not be lawfully made, finally abandoned the idea. The principal objection was that they did not think it would be lawful for a city to occupy the position of contractor in view of its relations to the people.

Q. The Board of Trustees of the Town of Dorris would like to know if there is any way they could refund taxes on a piece of property here that they assessed and which wasn't looked into until the Board of Equalization had closed. They would like to give the owners credit. Please let us know at once how to do it legally, if there is a way.

ANS. The Board of Trustees have the lawful right to refund to any property owner of the town for excess taxes collected by mistake. You may direct it to be corrected on the books by passing a resolution briefly reciting the facts.

Q. On the 1st of August I was appointed City Attorney and, as usual, many new points are put up to new attorneys to pass on. Among those put up to me is one relating to the dangers of high power electric lines along the streets. I am asked to draw an ordinance or, at least, to have this danger safeguarded.

The facts are these: One of the public service corporations maintains an electric line carrying thirty thousand volts along one of the streets. In case of fires this current cannot be cut off except by telephoning to Visalia, twenty miles away, taking up some thirty minutes. It is suggested that this line be arranged so that the current can be cut off within a very few minutes, or that the company be prohibited from carrying such heavy voltage along the principal streets.

Can you advise me along these lines?

ANS. Our advice would be to take the matter up by correspondence with the public service corporation before framing an ordinance, as you will undoubtedly find them willing to be reasonable; we are judging this by the attitude of public service corporations in this part of the State.

There are a number of high power lines running over the streets of San Francisco and Oakland in several places, but, of course, they are properly safeguarded. Therefore, we presume that high power wires can be run through the main streets of your city without being necessarily dangerous. One high power line runs over Fillmore street in San Francisco and no harm has ever come from it; the same may be said of a high

power line running through Oakland. Therefore, if you can get the company to take similar precautions to the precautions the companies take up here with the high power lines, it might be all that you could reasonably ask, unless, of course, they would be willing to shift the line and run over other streets.

Q. What is the limit for the rate of tax for the general fund for a city of our class?

Can the City Trustees set a tax for special purposes, such as a fund for building a bridge, or for plaza improvements, etc.?

ANS. The limit for the total property tax which may be imposed by the Trustees of the Town of Sonoma is \$1.00 on each \$100.00 valuation.

This does not include the tax for bond issues, however, or for maintaining the public library, or for any special tax which may heretofore have been voted by the people.

The trustees may divide the property tax into different funds for special purposes, providing they do not go over the limit mentioned; for instance, they may have a general fund, a lighting fund, a sewer fund, etc., or any other fund they may desire to create. If the Trustees ever deem it advisable they may submit to the voters the question of voting a special tax for some special purpose, and in case such a tax is voted it may be levied in addition to the regular property tax imposed; that is, you may go over the \$1.00 limit in such case where the people vote a tax for a special purpose.

Q. Thank you for your letter of August 3rd, answering our questions about the jurisdiction of the Board in drafting a fire ordinance. I made an oversight in asking the question, so did not find out quite all I wanted to know. We asked about the jurisdiction of the Board over tenants of the S. P. Co., which you answered. We also want to know what jurisdiction the Board has over the railroad itself, in drafting a fire ordinance, as regards the railroad buildings, etc. Please inform us on this.

We have a General Traders' License ordinance in force which covers practically all lines of business, but says nothing about barbers. Can a general traders' license be imposed on a barber working by himself, and is such an ordinance legal? How about

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a barber who employs help? Also, the question has been raised about salesmen who come into the town and solicit orders from consumers for merchandise which is shipped in later. Can we impose a general traders' license on these salesmen?

Will you please send us copies of any late ordinances you have covering this general traders' license question?

A woman appeared before the Board and complained about the saloons serving her son with liquor, and requested that the Board serve notice on these saloons forbidding them to do this; the marshal served such notices on the saloons. The authority of the Board has been questioned in the matter. Please tell us our status in the matter.

ANS. You have the same jurisdiction over the buildings and property of the railroad company in the matter of fire protection or other police regulations as you have over the property of any other person or corporations. In framing a building ordinance or an ordinance for fire protection the Board should take no cognizance of the property owner.

You may impose and collect a license

tax on barbers regardless of whether they have employees or not.

In the matter of business licenses you may discriminate against transient merchants, but not against non-residents. Neither can you impose a license tax on the bona fide agents of business houses located outside the State, as it is a violation of the Inter-State Commerce Act.

Would say that the Trustees have unlimited powers over saloons. A license to run a saloon is merely a privilege and not a right, and the Board may withhold the privilege whenever it sees fit, providing, of course, it must observe the requirements of the town ordinance covering the matter. The woman in question may serve a written notice herself under the provisions of the Act of March 19th, 1889, found in the statutes of 1889, page 352. The Recorder will probably prepare the proper notice for her. If they do not observe such a notice she should report the matter to the District Attorney, as it constitutes a violation of a State law.



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William Dolge, C.P.A., 311 California St., S. F.

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A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.

Steiger Terra Cotta & Pottery W'ks, 729 Mills Bldg., S. F.

N. Clark & Sons, 112-116 Natoma St., S. F.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Brick—Paving

California Brick Co., Phelan Bldg., S. F.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.

Buick Cars

Howard Auto Co., S. F.

Concrete Mixers

A. F. George Co., Los Angeles.

A. L. Young Machinery Co., S. F.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.

American Engineering Corporation, 57 Post St., S. F.

S. J. Van Ornum, 960 Pacific Bldg., S. F.

Conduits

Pierson, Roeding & Co., S. F., L. A., Portland, Seattle.

Curbing—Curb Armor

Pacific Building Materials Co., 523 Market St., S. F.

Curb Bar

Amer. Steel Bar Manufacturing Co., Merchants Exchange Bldg., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.

Standard Corrugated Pipe Co., S.F. & L.A.

U. S. Pipe Co., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

Dump Carts and Wagons

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.

Bowers Rubber Works, San Francisco.

Fire Hydrants

M. Greenberg's Sons, 225-227 Beale St., S. F.

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Flushers—Street

A. L. Young Machinery Co., S. F.

Flush Tanks

Gladding, McBean & Co., Crocker Bldg., S. F.

Pacific Flush Tank Company, Chicago, New York.

Imhoff Tanks

Pacific Flush Tank Company, Chicago, New York.

Inspections and Tests

Robt. W. Hunt & Co., 418 Montgy. St., S. F.

Smith, Emery & Co., 651 Howard St., S. F.

Municipal Accountant

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Smith, Emery & Co., 651 Howard St., S. F.

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Municipal Printers

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Municipal Water Works

Smith, Emery & Co., 651 Howard St., S. F.

Pavement Materials

Warren Brothers Co., Los Angeles, Cal.

Pipe

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

U. S. Iron Pipe & Foundry Co., 701 Monadnock Bldg., S. F.

Weissbaum Pipe Works, 143 11th St., S. F.

Playground Apparatus

A. L. Young Machinery Co., S. F.

Road Machinery

Good Roads Mach'y Co., San Francisco,
A. L. Young M'chy Co., Fremont St., S. F.
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Sewer Fittings

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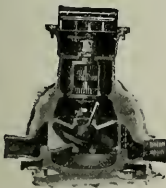
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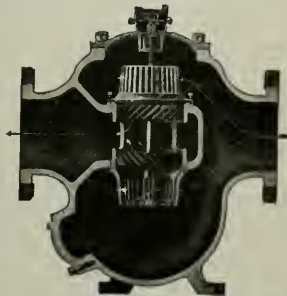
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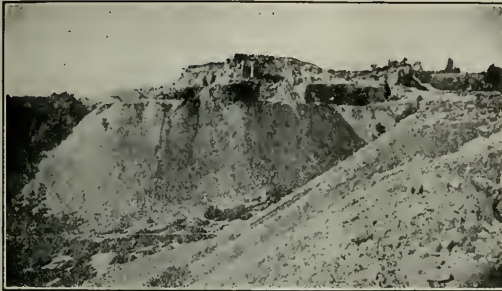
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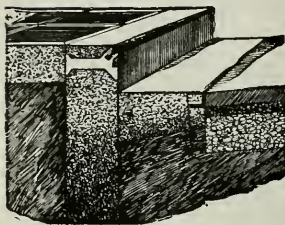
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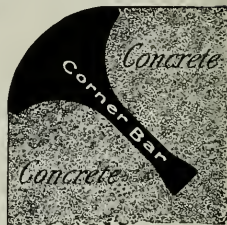
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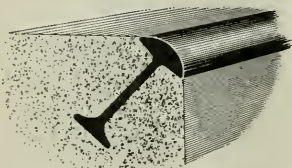
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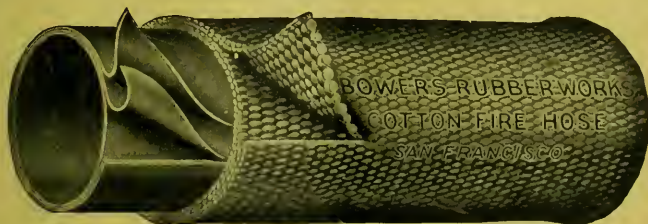
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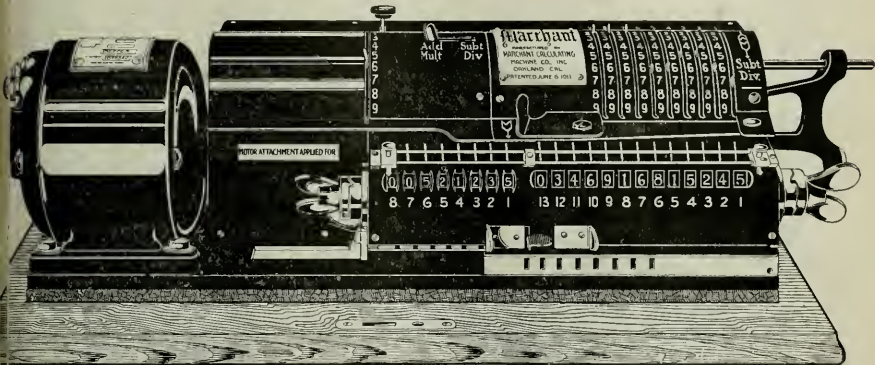
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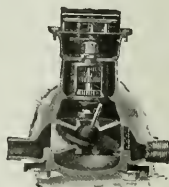
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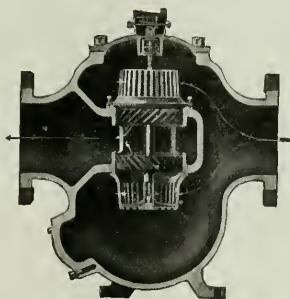
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THE LEAGUE OF PACIFIC NORTHWEST MUNICIPALITIES AND THE
BOARD OF SUPERVISORS ASSOCIATION OF THE
STATE OF CALIFORNIA

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SIXTEENTH YEAR

No. 10

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S. J. VAN ORNUM
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OCTOBER, 1914

NOTICE—Each city belonging to the League of California Municipalities is entitled to a copy of this magazine for each of its officials without extra charge, and every Board of Supervisors of the Counties of California is entitled to one copy. If not received kindly notify the Secretary.

A VERY BRIEF SYNOPSIS OF CONSTITUTIONAL AMENDMENTS AFFECTING MUNICIPALITIES

By B. D. MARX GREENE

B. D. Marx Greene, City Attorney of Antioch and Pittsburg, will deliver an address on this subject at the Monterey meeting.

It has been impossible in the limited space to outline every change in the existing laws or to give all reasons for or against a proposition. Only the most important provisions and arguments have been presented.

INITIATIVE AMENDMENT TO SECTION 16½, ART. XI.

(Proposition No. 15 on ballot.)

Allows banks acting as depositories of public moneys to furnish, among other things, surety bonds as security for public money.

This would permit questionable security to be substituted for municipal bonds; would entail lawsuits in case of bank failure; would destroy market for municipal bonds, which would no longer be needed by banks to use as collateral security.

Vote No.

SENATE CONSTITUTIONAL AMENDMENT NO. 16.

(Proposition No. 16 on ballot.)

Provides for excess condemnation, which is the acquisition through condemnation proceedings by the governmental agency (for example, a State) of more land than is actually needed for a public improvement such as a boulevard, public street, playground or public center in order to meet the expense of this improvement later by the sale or lease of the surplus.

The principle of excess condemnation is economically correct. Just as the

profits of labor of an individual should redound to him, so in all justice the increment of value to land caused by the city's act in improving a portion of that land should inure to the city. By the application of this principle, owners whose property is condemned, receive the full market value of their property at the time of the condemnation, but not the improved value, the latter representing a normal increase on the investment of an entire city, thus relieving the indebtedness of a municipality for the improvement. Excess condemnation not only enables the city to make those improvements at practically no expense to the tax payer, but it insures the proper treatment of the abutting property.

Vote Yes.

INITIATIVE AMENDMENT TO SECTION 8½, ART. XI.

(Proposed by City of Oakland)

(Proposition No. 19 on ballot.)

Authorizes chartered cities to establish municipal courts and control of appointments, etc.; authorizes cities of 50,000 or more to consolidate and annex only contiguous territory; requires consent of annexed territory and of county from which taken.

There is no real objection to this amendment, which is approved by both San Francisco and Los Angeles. It gives a city a normal chance to expand into contiguous territory whether in the same county or not, but not into territory not contiguous.

Vote Yes.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 19.

(Amends Section 13 of Article XX, to permit preferential voting.)

(Proposition No. 23 on ballot.)

It allows a voter to correctly express his choice upon the various candidates by indicating first, second or third choice for an office. If no candidate receives a

majority of all votes, then the second and third choices are taken into consideration, and multiplicity of elections is avoided. It also provides that plurality of votes elects unless constitution otherwise provides.

Vote Yes.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 81.)

(Proposition No. 29 on ballot.)

Amends Section 6 of Article XI of the Constitution by attempting to confer specific power upon chartered cities to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters, such cities shall be subject to and controlled by general laws.

Under this amendment, it is contended that a city need no longer have a specific grant of powers in its charter but may rely on a general-welfare clause.

The amendment should not be adopted for the following reasons:

(1) It is injudicious to tinker with the Constitution when the only ills are theoretical and not actual. The courts have already passed on practically everything which can be called a municipal affair and to confer the express power upon cities to legislate upon municipal affairs is an exceedingly poor reason for changing a well defined and satisfactory section into an unknown and doubtful one. All necessary delegation of express power is found in Section 8, Article XI, where cities are expressly authorized to adopt charters for their own government.

(2) The proposed amendment in making chartered cities subject to their charter restrictions only, destroys all the good in decisions construing the present section, and wipes out all present constitutional restrictions relating to

such cities. Thus constitutional limitations on municipal indebtedness and constitutional provisions relating to sale of bonds, deposits of public moneys, etc., are all wiped out by this proposed amendment, which leaves a city free to do as it pleases upon any municipal affair, subject only to such restrictions as it imposes on itself.

Vote No.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 25.

(Proposition No. 25 on ballot.)

This amends Section 8 of Article XI, and was designed primarily to lengthen the time within which the Board of Freeholders should prepare and submit a proposed charter, and also to limit the time within which amendments to an existing charter could be made. Other changes have been worked into the amendment, some quite beneficial and important. The effect of one portion of the amendment relative to charter provisions on municipal affairs is the same as that inserted in the proposed amendment of Section 6 of the same Article. The objections to that clause are set forth in the report upon Amendment No. 81 submitted herewith, and it is unnecessary to repeat those objections here.

It is true that the new method of adopting and amending charters as here proposed would be very beneficial to a municipality, but if it is liable to bring on us the unsettled condition outlined under Section 6, Article XI, it would be unwise at the present time to experiment.

Vote No.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 62.

(Proposition No. 28 on ballot.)

Changes the provisions of Section 23 of Article XII, by transferring to the Railroad Commission the power given cities to fix public utility rates, and taking away from the cities the power to retake such rights from the Railroad Commission by a vote of the people.

Past experience with the Railroad Commission shows that it is better to have one central authority take full

charge of all rate-fixing, rather than to invest it in cities which, in many cases, have neither the means nor the ability to do justice either to the municipality or public utility.

Vote Yes.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 87.

(Proposition No. 31 on ballot.)

Adds a new section to Article XII and gives the legislature power to authorize the Railroad Commission to fix the compensation to be paid for the taking of any property for a public utility in eminent domain proceedings.

Its adoption will furnish a scientific commission to fix values instead of the present untrained jury.

Vote Yes.

SENATE CONSTITUTIONAL AMENDMENT NO. 53.

(Amends Section 19 of Article XI.)

(Proposition No. 33 on ballot.)

Effect of this amendment is to abolish rate-fixing power of municipalities, except where such a power is included in the city charter, and to give a city owning a public utility the right to sell the service of that utility in other cities without a franchise from the city authorities.

A private corporation cannot serve in a city without franchise authority, and there is no valid reason why a municipal corporation should have the right to enter another municipal corporation without such franchise.

Vote No.

SENATE CONSTITUTIONAL AMENDMENT NO. 13.

(Amends Section 13½, Art. XI.)

(Proposition No. 42 on ballot.)

Authorizes any county, municipality, irrigation district or other public corporation using bonds to make same payable at any place or places within or outside of United States and in domestic or foreign money designated therein.

The amendment omits the word "State," and so precludes State from making its bonds payable elsewhere.

Vote No.

Synopsis of the Address to be delivered by
JOHN S. CHAMBERS, STATE CONTROLLER

at the Seventeenth Annual Convention of the League of California Municipalities, to be
held at Monterey, October 12-16, 1914

With a loss of nearly \$1,000,000 in sources of revenue and the probable loss of almost as much more, it is becoming more apparent every day that the State's present tax system (based upon the gross earnings and franchises of corporations) is not elastic enough to meet requirements. The coming legislature, therefore, will be compelled either to provide a side source of revenue, or else the State Board of Equalization will have to resort to a general property tax (now utilized by cities and counties) to make good the threatening deficit. The cities and counties, consequently, are interested parties, and the problem is one that should call for the serious thought of their financial experts.

In connection with the State's present tax system, the bond refund feature calls for earnest consideration. On the adoption of the new system, in 1910, the State, of course, agreed to pay her share

of the principal and interest on the bonds then outstanding in the various communities.

Operative properties such, say, as power plants, etc., are not assessed locally except for this purpose, in order that the State tax for bond refund purposes may be figured. As a result, the assessments on such properties are jumping up year by year and the State, as a result, is paying back to the local communities more and more. Probably this is a natural outgrowth. To some extent, too, the increased payments by the State may be due to a larger total of bonded debt falling due. But high assessments have much to do with it. The last legislature appropriated \$700,000 a year for two years for bond refunds, but the last fiscal year this large sum fell short over \$40,000 of being enough to meet demands. The situation is one that warrants investigation.



PROGRAM

Seventeenth Annual Convention

OF THE

League of California Municipalities

TO BE HELD AT THE

Hotel Del Monte, Monterey, Cal., Oct. 12-16, 1914

NOTE.—The program as here arranged is subject to such rearrangement as may be necessary for the accommodation of special speakers.

MONDAY MORNING, OCTOBER 12, 1914.

10 A. M. to 2 P. M., Registration at Secretary's headquarters.

2 o'clock P. M.

(Before the entire body.)

Opening Address—Percy V. Long, City Attorney of San Francisco, President of the League.

Address of Welcome—R. F. Johnson, Mayor of Monterey.

Response—Frank K. Mott, Mayor of Oakland, Past President of the League.

Report of Cities—The roll of cities will be called and the delegates asked to report their greatest municipal achievements since the last Convention.

Appointment of Committee on Resolutions.

MONDAY EVENING, OCTOBER 12, 1914.

7:30 o'clock P. M.

First California City Planning Conference.

"OUTLINE OF THE PURPOSES OF THE CONFERENCE," by Percy V. Long, City Attorney of San Francisco, Chairman.

Appointment of Committees on Constitution and By-Laws.

"WHAT CITY PLANNING MEANS," by Chas. H. Cheney.

This address will be illustrated by lantern slides from the University of California Extension Division.

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TUESDAY MORNING, OCTOBER 13, 1914.

9 o'clock A. M.

**DEPARTMENT OF ENGINEERS, COUNCILMEN AND STREET
SUPERINTENDENTS.**

President, J. J. Jessup, City Engineer of Berkeley.

"Good Roads in Small Municipalities"—Harry Brolaski, Member of the Board of Trustees of Redondo Beach.

"Street Pavements"—Walter N. Frickstad, Assistant Superintendent of Streets of Oakland.
(Discussion)

"Town Sanitation"—Carleton H. Parker, Secretary of the Commission of Immigration and Housing.
(Discussion)

DEPARTMENT OF CITY ATTORNEYS.

Tuesday Morning, 9 A. M.

President, Chas. N. Kirkbride, City Attorney of San Mateo.

"COLLECTION OF PUBLIC UTILITY AND OTHER CHARGES BY MUNICIPALITIES: CAN THEY BE ASSESSED OR CHARGED AGAINST REAL PROPERTY?"—Wallace T. Rutherford, City Attorney of Napa.
(Discussion)

"INFERIOR CIRCUIT COURTS AS A SUBSTITUTE FOR OUR PRESENT JUSTICE'S COURTS"—J. W. Coleberd, City Attorney of South San Francisco.
(Discussion)

"MUNICIPAL LIABILITY UNDER THE WORKMEN'S COMPENSATION, INSURANCE AND SAFETY ACT"—Chris. M. Bradley, Attorney for the Industrial Accident Commission of the State of California.
(Discussion)

DEPARTMENT OF CLERKS, AUDITORS AND ASSESSORS.

Tuesday Morning, 9 A. M.

President, B. F. Hudspeth, City Clerk of Chico.

"City Maps for Assessors"—John Ginty, Assessor of the City and County of San Francisco.

"Assessment of Personal Property"—H. L. Moody, City Assessor of San Diego.
(Discussion)

"Cost Accounting"—T. R. Trotter, City Auditor of Pomona.

"Suggestions From the Secretary"—Frank Kasson, City Clerk of Palo Alto.

A REMARKABLE TEST



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TUESDAY AFTERNOON, OCTOBER 13, 1914.

2 o'clock P. M.

(Before the entire body, Percy V. Long presiding.)

"The Relation of the Workmen's Compensation, Insurance and Safety Act to Municipalities"—Col. Harris Weinstock, Member of the Industrial Accident Commission of the State of California.
(Discussion)

"City Manager Plan of Municipal Government"—Paul E. Kressly, City Manager of Inglewood, Cal.
(Discussion)

"The Economic Value to a City of Supporting Those Who Cannot Take Care of Themselves"—S. C. Evans, former Mayor of Riverside and Past President of the League.

"The Municipal Railroad of San Francisco"—Thomas W. Ransom, Consulting Engineer, City Engineer's Office, San Francisco.

TUESDAY EVENING, OCTOBER 13, 1914.

8 o'clock P. M., at the M. E. Church, Pacific Grove.

(Before the entire body.)

"The California State Highways"—Chas. F. Stern, Member of the California State Highway Commission.
Illustrated with moving pictures and stereopticon views.

"How the Exposition May be of Benefit to the Municipalities"—Wallace Hatch, Superintendent of Special Exhibits, Departments of Education and Social Economy of the Panama-Pacific International Exposition.

WEDNESDAY MORNING, OCTOBER 14, 1914.

9 o'clock A. M.

DEPARTMENT OF ENGINEERS, COUNCILMEN AND STREET SUPERINTENDENTS.

"The Intangible Values in Water Systems"—Otto Von Geldern.
(Discussion)

"Necessary Reforms in City Street Paving Practice"—W. C. Hammatt, City Engineer of Hillsborough.
(Discussion)

DEPARTMENT OF CITY ATTORNEYS.

Wednesday Morning, 9 A. M.

"CHANGES DEMANDED IN OUR IMPROVEMENT LAWS"—Lorin A. Handley, President of the Board of Public Works of Los Angeles.
(Discussion)

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"NEW LEGISLATION DESIRABLE FOR MUNICIPALITIES"—Wm. J. Loeke, City Attorney of San Anselmo.
(Discussion)

"SUGGESTIONS FOR A NEW FRANCHISE ACT"—Wm. J. Carr, City Attorney of South Pasadena.

DEPARTMENT OF CLERKS, AUDITORS AND ASSESSORS.

Wednesday Morning, 9 A. M.

"*Filing of Documents*"—Heman Dyer, City Clerk of Pasadena.

"*Indexing of Documents*"—Frank M. Smith, City Clerk of Oakland.
(Discussion)

Led by Charles L. Wilde, City Clerk of Los Angeles.

"*Segregation of Accounts*"—David C. Scribner, City Clerk of Napa.

WEDNESDAY AFTERNOON, OCTOBER 14, 1914.

2 o'clock P. M.

Joint Meeting of the Entire Body with the Health Officers.

Percy V. Long, presiding.

"Report of the Committee on Reform in State Government"—

MEMBERS OF THE COMMITTEE: Chas. N. Kirkbride, City Attorney of San Mateo, Chairman; J. J. Gill, Mayor of San Leandro; C. F. O'Neill, Mayor of San Diego; B. D. Marx Greene, City Attorney of Antioch and Pittsburg; C. L. Priesker, City Attorney of Santa Maria.

(Discussion of the Report will be led by David P. Barrows, Professor of Political Science, University of California.)

"The Relation of a Health Officer to the Municipal Government"—Geo. E. Tucker, M. D., Health Officer of Riverside.
(Discussion)

"The Value of Experts to a City Government"—Prof. Thos. H. Reed, University of California.

"The State's Tax System with a Special Reference to the Bond Feature"—John S. Chambers, State Controller.

WEDNESDAY EVENING, OCTOBER 14, 1914.

8 o'clock P. M.

Joint Meeting with the Health Officers at the Bagby Theatre, Monterey.

"Work of the Health Department of Palo Alto"—Harold F. Gray, Health Officer of Palo Alto.

This address will be illustrated with moving pictures taken expressly for this occasion by the Exactus Company.

(Discussion)

City Engineers throughout California will be particularly interested in the new FROST RADIAL INTERLOCKING BRICK so designed and manufactured as to meet every requirement for the construction of Sewers, Storm Drains, Culverts, Manholes, Flush Tanks, etc.

This brick is preeminently adapted for building Sewers and Storm Drains of 27 in. diameter and upwards.

Lower cost than any other material on the market.

Consideration of this new product means its immediate and enthusiastic endorsement which has been accorded by Municipal Engineers of the highest standing.

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LOS ANGELES PRESSED BRICK CO.
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THURSDAY, OCTOBER 15, 1914.

9 o'clock A. M.

**DEPARTMENT OF ENGINEERS, COUNCILMEN AND
STREET SUPERINTENDENTS.**

"Special Assessments for Benefits of Land."—H. A. Mason, City Attorney of Mountain View.

"The Composition of Ground waters for Municipal Supplies With Reference to Their Chemical Composition and Their Hygienic Safety"—Chas. Gilman Hyde, Professor of Sanitary Engineering, University of California, and Sanitary Engineer of the State Board of Health.

"Eureka's Experience With the Railroad Commission"—W. S. Clark, Mayor of Eureka.
(Discussion)

"Report of the Committee on Garbage Disposal"—Chas. Gilman Hyde, Chairman; S. J. Van Ornum and J. J. Jessup.
(Discussion)

DEPARTMENT OF CITY ATTORNEYS.

Thursday, October 15, 9 A. M.

"PROPOSED CITY PLANNING LEGISLATION"—Wm. J. Locke, City Attorney of San Anselmo.
(Discussion)

"AN EFFECTIVE LAW FOR THE REMOVAL OF WEEDS"—Frank Cornish, City Attorney of Berkeley.
(Discussion)

Consideration and adoption or rejection of the suggested new legislation.

Unfinished business.

Election of Officers.

Adjournment.

DEPARTMENT OF CLERKS, AUDITORS AND ASSESSORS.

Thursday Morning, 9 A. M.

"Tenure of Office for Trained City Officials"—B. F. Hudspeth, City Clerk of Chico.

"Four Year Term for Clerks"—G. C. Plump, City Clerk of Redwood City.
(Discussion)

Led by Roy E. Walter, City Clerk of San Jose.

Innovations: Round Table Discussion of the Progress and Problems of the year.

New Business.

Unfinished Business.

Election of Officers.

THURSDAY AFTERNOON, OCTOBER 15, 1914.

2 o'clock P. M.

(Before the entire body, Percy V. Long, presiding.)

- "The Organization and Management of a Fire Department in Small Cities"—Geo. W. Robertson, Engineer, Board of Fire Underwriters of the Pacific.
- "The Springfield, Ohio, Charter as Adapted to the Needs of California Cities"—Frederick Baker of Los Angeles.
- "The Proposed Constitutional Amendments Affecting Municipalities"—B. D. Marx Greene, City Attorney of Antioch and Pittsburg.
- "The Proposed City and County Consolidation Amendments"—Albert Lee Stephens, City Attorney of Los Angeles.

FRIDAY MORNING, OCTOBER 16, 1914.

9 o'clock A. M.

(The entire body assembled, Percy V. Long, presiding.)

Report of the Committee on Resolutions.

Appointment of Committees.

Selection of the Next Meeting Place.

Nomination and Election of Officers for the ensuing year.

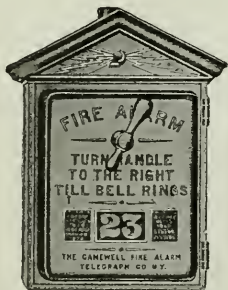
Unfinished Business.

New Business.

Adjournment.

The Gamewell Fire Alarm Telegraph Co.

Over 95 per cent. of all Electric Fire Alarm Systems in the United States and Canada installed by The Gamewell Co.

Combination, Automatic and Manual Fire Alarm Telegraph
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FIRST CALIFORNIA CONFERENCE ON CITY PLANNING

Hotel Del Monte, Monterey, California

Monday, Tuesday, Wednesday, October 12th to 14th, 1914

The League of California Municipalities and the Department of University Extension of the University of California join in extending an invitation to this Conference.

There will be an exhibit of City Planning, Parks, Municipal Buildings and Bridges at the Hotel Del Monte.

DELEGATES TO THE CONFERENCE.

Invitations have been sent to the following organizations to send one or more delegates to this Conference:

City Planning Commissions of California.
The Councilmen of all California cities and towns.
City Engineers and City Architects.
Chambers of Commerce or other Commercial Bodies.
City Clubs and Municipal Leagues.
The Commonwealth Club of California.
Civic Leagues of Improvement Clubs.
Industrial Commissions.
State and City Real Estate Associations.
City Park Commissions.
Housing Commissions.
Harbor Commissions.
Societies of Engineers and Architects.

COMMITTEE OF ARRANGEMENTS.

Percy V. Long, City Attorney of San Francisco, Chairman;
Chas. H. Cheney, Secretary City Planning Section, Commonwealth Club of California, Secretary;
H. A. Mason and Wm. J. Locke, Secretaries League of California Municipalities;
Professor I. W. Howerth, Director of University of California Extension Division;
Joseph H. Quire, Secretary Municipal Reference Bureau, University of California.

FIRST CALIFORNIA CONFERENCE ON CITY PLANNING, MONDAY, OCTOBER 12, 1914.

10 A. M. to 2 P. M.: Registration at Conference Headquarters.
2 o'clock P. M.

Participation in the Opening Ceremonies of the Seventeenth Annual Convention of the League of California Municipalities.

7:30 o'clock P. M.

Opening of the Conference.

Percy V. Long, City Attorney of San Francisco, presiding.

"Outline of the Purpose of the Conference"—Percy V. Long.



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Appointment of a Committee on Constitution and By-Laws.

"What City Planning Means"—Chas. H. Cheney, Secretary, City Planning Section, Commonwealth Club of California.

Illustrated by lantern slides from the University of California Extension Division.

"The Problems"—Duncan McDuffie, President of the Berkeley City Planning Committee.

TUESDAY, OCTOBER 13, 1914.

9 o'clock A. M.

Prof. I. W. Howerth, presiding.

Permanent Organization, Election of Officers, and Adoption of a Constitution and By-Laws.

"Progress of City Planning in California"—Report to be submitted by the Secretary.

"Housing Problems in Relation to City Planning"—Wallace Hatch, former Secretary of the Housing Commission of Washington, D. C.
(Discussion)

WEDNESDAY, OCTOBER 14, 1914.

9 o'clock A. M.

"Paying the Bills for City Planning"—T. W. Ransom, Consulting Engineer, City Engineer's Office, San Francisco.
(Discussion)

"What Are the Most Important Matters for a City Planning Commission to Study?"
(Informal discussion)

"Should we have a City Planning Commission like the Massachusetts Homestead Commission?"
(Informal discussion)

"Needed City Planning Legislation."
(Informal discussion)

THURSDAY, OCTOBER 15, 1914.

Joint Session with the Department of City Attorneys.

9 o'clock A. M.

"Proposed City Planning Legislation"—Wm. J. Locke, Editor "Pacific Municipalities."
(Discussion)

"Needed Legislation for Establishing Zones; Also for Setting Buildings Back From Property Line."
(General Discussion)

"New Subdivisions and Street Openings"—Ben. F. Woolner, City Attorney of Oakland.
(Discussion)

Unfinished Business.

New Business.

CITY PLANNING EXHIBIT.

An Exhibit of City Planning, Housing, City Halls, Parks, Bridges, Libraries, Schools and other municipal structures will be shown in connection with the Conference.



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PROVISIONAL PROGRAM

For the SIXTH ANNUAL CONFERENCE of **State, County and Municipal Health Officials**

Held in conjunction with the Seventeenth Annual Convention of the League of California Municipalities at Del Monte, October 12 to 16, 1914.

Rules Governing Papers and Discussions: Speakers will be limited to fifteen minutes, and those taking part in the discussion will be limited to five minutes. The total time devoted to the discussion of any one paper will be limited to thirty minutes.

MONDAY, OCTOBER 12, 1914.

Registration Day.

2:00—Opening of the Convention of the League of California Municipalities.

TUESDAY, OCTOBER 13, 1914.

Morning Session.

10:00—Opening Address—Dr. Donald H. Currie, Secretary of the California State Board of Health.

10:20—Roll Call of Delegates by Counties and Cities.

Each Delegate is requested to respond by stating in two or three minutes what he considers to be his biggest public health problem.

11:15—Discussion of Public Health Problems.

After the Roll Call, Delegates will be given opportunity to call for the discussion of problems which they consider most important among those presented in response to the Roll Call.

Afternoon Session.

1:30—Needed Improvements in Health Administration in California—Dr. J. H. Parkinson, Vice-President of the California State Board of Health.

Discussion opened by Dr. Jackson Temple, Health Officer, Santa Rosa.

2:00—Practical Measures for the Control of Diphtheria—Dr. F. W. Browning, Health Officer of Hayward.

Discussion opened by Dr. J. J. Benton, Health Officer of Berkeley.

2:30—Administrative Problems presented by Measles and Scarlet Fever—Dr. Garth Parker, Health Officer of Monterey County.

3:00—Present Day Problems in the Control of Smallpox in California—Dr. A. F. Gillihan, Health Director of Oakland. (Illustrated with lantern slides.)

THE NYE GARBAGE INCINERATOR IMPROVED

MAKES THE FOLLOWING CLAIMS:

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You are cordially invited to come to Presidio, San Francisco, Cal., and inspect the Nye Incinerator plant, improved, in operation there. Please remember, that under a guaranteed acceptance contract with any town or city, we will build at our own expense, one unit of the Nye system, improved, "on an accepted location, and city-run garbage, delivered on car or in bin," agreeing to cremate 16 tons in 24 hours before a committee appointed by council. If we fail we have the privilege of disposing of the plant. If we succeed the city at once is to pay the contract price and take the plant. Further information and prices upon application.

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WEDNESDAY, OCTOBER 14, 1914.**Morning Session.**

- 9:30—The Purpose of the State and National Food and Drug Laws—
Dr. Martin Regensburger, President of the California State Board
of Health.
- 10:00—Co-operation between Health Officials and Food Inspectors—Prof. M.
E. Jaffa, Director of the State Pure Food and Drug Laboratory.
- 10:30—Methods for Insuring a Safe Milk Supply—Dr. S. G. Bransford,
Health Officer of Solano County and Suisun.
Discussion opened by Dr. George E. Tucker, Health Officer of
Riverside County.
- 10:45—The Relation of Water Supply and Disease—Dr. Norman E. William-
son, Health Officer of Sacramento.
Discussion opened by Professor Charles Gilman Hyde, Consulting
Engineer to the California State Board of Health.
- 11:15—Suggested Lines of Development for our State Hygienic Laboratory—
Dr. W. A. Sawyer, Director of the State Hygienic Laboratory.

Afternoon Session.

Joint meeting with the League of California Municipalities.

(See League program for particulars)

Evening Session.

Joint meeting with the League of California Municipalities.

(See League program for particulars)

THURSDAY, OCTOBER 15, 1914.**Morning Session.**

- 9:30—The Spread of Disease by Sailors and Ships—Surgeon R. M. Wood-
ward, U. S. Public Health Service.
- 10:00—Rabies and Its Control—Dr. S. S. Bogle, Health Officer of Sonoma
County.
- 11:00—What the San Francisco Department of Health is Doing. (Lecture
illustrated with lantern slides.) Dr. W. C. Hassler, Chief Sanitary
Inspector, Department of Public Health of San Francisco.

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Afternoon Session.

- 1:30—The Present Situation with Regard to Plague—Surgeon J. H. Long,
U. S. Public Health Service, San Francisco.
- 2:00—Malaria in California and Its Control—Dr. L. R. Willson, Health
Officer of Fresno.
- 2:30—School Inspection—Dr. Wm. Simpson, Health Officer of Santa Clara
County.
- 3:15—The Disposal of Municipal Waste—Charles Gilman Hyde, Professor
of Sanitary Engineering in the University of California and Acting
Director of the Bureau of Sanitary Engineering of the State Board
of Health.

Discussion opened by Dr. Norman E. Williamson, Health Officer
of Sacramento.

FRIDAY, OCTOBER 16, 1914.**Morning Session.**

- 9:30—Venereal Disease as a Public Health Problem—Dr. Edward F. Glaser,
Member of the State Board of Health.
- 10:00—The Housing Problem.
- 10:30—The Epidemiology of Tuberculosis.
- 10:45—What the State should do to Diminish Tuberculosis—Dr. J. J. Benton,
Health Officer of Berkeley.

Afternoon Session.

Unfinished Business.

New Business.

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FAN SHELL BEACH

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A 60" Armeo Culvert, under one of the Main Streets of Santa Cruz.

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The old "Wayside Inn" of Sudbury, Massachusetts, made famous by the poet Longfellow, was erected in 1686. The methods and materials employed were those of a people who build for the future.

Some of the iron nails which had held the original clapboards, and which were therefore 228 years old, were recently extracted, and found in almost perfect condition.

These being subjected to exact analysis, were found to be of the following composition—

Sulphur	.007%	Manganese	.002%
Phosphorus	.090%	Silicon	.230%
Carbon	.050%	Copper	Trace
Iron (by difference)			99.621%

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You will note the very low content of Manganese, Sulphur and Copper. It is undoubtedly due to the practical exclusion of these elements that the iron has given such splendid service.

Iron of a higher degree of purity than this was not commercially available until the development of Armeo—American Ingot Iron, in which the total of foreign substances is never more, and usually considerably less, than 1/100 of one per cent. This is the purest, most even and most carefully manufactured iron on the market.



A Part Circle, Armeo Culvert, 78" base
by 34" rise, at Douglas, Arizona.

CULVERT CO.
WEST BERKELEY

CHANGES NEEDED IN OUR PUBLIC IMPROVEMENT ACTS

By LORIN A. HANDLEY.

Lorin A. Handley, President of the Board of Public Works of Los Angeles, will deliver an address on this subject before the Department of City Attorneys at the Monterey meeting.

I. CHANGES OF MORE OR LESS TECHNICAL NATURE:

1. So that two or more separate improvements, not contiguous, may be included in one ordinance and under one contract.

2. So that property may be omitted from assessment in a single district.

3. So that all drawings may be uniform.

4. So that railroads may be required to pave streets where they hold franchise even when tracks are not laid.

5. So that alternative propositions may be considered.

6. So that the municipality may do work by force account and assess the cost of same to adjoining property.

7. So that we may make use of Excess Condemnation Law.

8. So that condemnation process may be shortened.

II. CHANGES AFFECTING THE PUBLIC DIRECTLY:

1. People should be scrupulously informed of every improvement.

(a) Posting on street insufficient.

(b) Postcard advantage of Assessor's roll is up to date.

(c) Provision should be made for non-residents.

2. People's voice should be heard concerning every improvement.

(a) 1913 Act takes right of protest from people.

(b) Public necessity may demand improvement in spite of protest.

3. People's property should be protected by improvement laws.

(a) Confiscation by assessment should be prevented.

(b) Engineer or proper authority should file statement of damage to all property affected by cuts or fills; and same, as filed or modified, should be allowed unless waived.

4. People's assessments should always be collected by the city.

(a) City can collect more economically.

(b) More convenient to public.

(c) Property owners would be removed from danger of sharp practices from contractors and loan sharks.

5. People's property should never be sold at public auction for delinquent assessments.

(a) Property owners may be robbed by exorbitant charges to clear title.

(b) City should hold property for delinquent assessments and add to the original assessment the additional cost of collection.

III. CHANGES OF SOURCE NEEDED IN SOME CASES:

1. Origin of improvement laws—State Legislature.

(a) Reasons advanced for this source: (1) Establishes uniformity; (2) Establishes security of bonds; (3) Necessity for smaller cities; (4) Most competent source.

2. Larger cities, at least, should have power to make their own improvement laws.

(a) Technical difficulties could be more readily removed.

(b) Laws can be adapted to local conditions.

(c) Bonds can be made secure.

(d) Competent source.

Conclusion: Simplify the processes and protect the interests of the people.



LORIN A. HANDLEY

SPECIAL NOTICE TO CLERKS, AUDITORS AND ASSESSORS

The officials of the League have decided to inaugurate a special feature at the convention to be held at Monterey on the 12th inst., in the form of a prize to the Clerk, Auditor or Assessor submitting the best single book, record or set of books. Officers desiring to enter into this competition should bring their books with them, such as the following: Minute Book, Ordinance Book, Board of Equalization Record, Clerk's Ac-

counting Book, City Register, Demand and Warrant Register, Ledger, Assessment Roll, or License Record.

An engraved certificate will be given to the Clerk, Auditor or Assessor who, in the opinion of the judges to be appointed as the Committee of Award, submits the best and neatest record. A second and third prize will be offered in the form of a Certificate of Honorable Mention.

BRIEF BIOGRAPHICAL SKETCHES OF SOME OF THE MEN ON THE PROGRAM

JOHN S. CHAMBERS.

John S. Chambers, the present State Controller, was born in Kentucky 46 years ago. Upon reaching maturity he first engaged in a manufacturing business, but after a few years abandoned it to take up newspaper work.

He came to California twenty years ago and married here. For a number of years he published the Marysville Appeal. Twelve years ago the Sacramento Bee engaged him to cover the legislature, following which he organized and for years managed what the Bee calls its Superior California News Department, a department that covers each day the news events of twenty-two counties in this State, western Nevada and a part of southern Oregon. The department sprang into instant popularity, and in a short time the Bee's circulation was more than doubled. Later, Chambers was made news editor of the paper and then managing editor, which position he held when appointed State Controller by Governor Johnson on the death of Mr. Nye, who also was a newspaper man.

Chambers has conducted his office much along the lines laid down by his predecessor, but has given especial attention to the inheritance tax and delinquent tax land departments, having increased the revenue under the former nearly a million dollars and by speeches and newspaper articles done much to awaken interest in the other.

The title of Mr. Chamber's address will be "The State's Tax System with a Special Reference to the Bond Feature." The various municipalities should be interested in tax matters generally, and particularly as affecting the State. It appears to be conceded that our present system is not elastic enough and that the next legislature either must provide a side source of revenue, or the State will be compelled to resort to a general property tax to make up a deficit. The general property tax, of

course, would affect cities and counties very materially.

The bond refund relates to the payment by the State to cities, districts and counties of the State's share of the principal and interest on bonds outstanding prior to November 8, 1910, when the new system of taxation went into effect.

PAUL E. KRESSLY.

City Manager of Inglewood.

Mr. Paul E. Kressly, City Manager of Inglewood, was born in Allentown, Pa., in 1882. He attended the public school until 1896, afterwards graduating from the Normal school in 1898. In 1902 he graduated from the Lehigh University as a civil engineer. From 1902 to 1904 he was employed by Grossart & Spengler, civil and consulting engineers. From there he entered the employ of the Bethlehem Steel company as designer and checker in the ordnance department, remaining with that firm until 1905. From 1905 until 1906 he was employed as assistant chief engineer of the Driggs-Seaburg ordinance corps. For the next four years and a half he was engaged in private engineering business for himself, with offices in South Bethlehem, during which time he also served as city engineer of Fountain Hill, Freemansburg and Nazareth, Pa., and a number of smaller municipalities on street work, etc. In the fall of 1910 he was obliged to leave Pennsylvania and move to California on account of failing health. In 1911 he was appointed city engineer of Inglewood and in March, 1914, was appointed city manager of that city.

LORIN A. HANDLEY,

President of the Board of Public Works of Los Angeles.

Mr. Lorin A. Handley, President of the Board of Public Works of Los Angeles, was born on a farm in Franklin, Indiana, February 12, 1881. He received a common school education and

afterwards attended Hanover College, where he graduated in 1902. Later he attended Princeton, where he took a Master of Arts degree and, in addition, Law and Jurisprudence under Woodrow Wilson. In 1905 he was elected professor of Mental and Moral Philosophy at Emporia College, Emporia, Kansas, where he also taught economics and politics. In 1907 he was elected professor of Philosophy, Occidental College, Los Angeles, in which capacity he served until 1910, when he resigned to accept the office of city clerk of Los Angeles. In 1913 he was appointed a member of the Board of Public Works, and later was elected president of that body, which position he still holds. While president of the Board of Public Works of Los Angeles, in addition to the duties common to that office, the board had charge of the construction of the aqueduct involving an expenditure of \$23,000,000; also of the aqueduct power plant and distributing system involving \$10,000,000, and also of the harbor construction work involving an expenditure of \$3,000,000. Mr. Handley is a member of a number of fraternal and civic organizations and has taken a prominent part in Democratic politics. In 1910 he was the Democratic candidate for Congress in the Seventh district. He is an enthusiastic supporter of President Woodrow Wilson, and was president of the first "Woodrow Wilson For President" Club organized in the United States.

CHRIS M. BRADLEY,

Attorney for the Industrial Accident Commission.

Chris. M. Bradley is a graduate of Stanford University, A. B., 1901, and the Columbia University School of Law, LL.B., 1904. He was formerly editor of the Columbia "Law Review." In the course of a general practice covering a period of ten years he gave special attention to the development of the compensation principle as a remedy to be substituted for employers' liability in handling personal injury claims.

FREDERICK BAKER.

Frederick Baker was born in 1864 in New York. He spent his boyhood on a farm near Chillicothe, Missouri, and later attended Shattuck school at Faribault, Minn., and Lawrence University at Appleton, Wisconsin.

After studying law in the office of Colonel L. H. Waters, in Kansas City, Mo., he was admitted to practice in 1887.

Mr. Baker came to Los Angeles the same year, and has ever since practiced law there. He has had a wide experience in municipal affairs, having been at various times attorney for eight different municipalities in Los Angeles county, besides having done special legal work for other municipalities in southern California.

He is specially familiar with Vrooman Act street work, and has just recently completed proceedings for the City of Imperial for street work aggregating about \$250,000.

He served four years as a member of the Library Commission of Long Beach, and was also a member of the Board of Freeholders that drafted the Los Angeles county charter.

He was nominated at the recent primary election for the office of Superior Judge of Los Angeles county.

Mr. Baker has always taken an active interest in the work of the League of California Municipalities, and his address to be given this year at the annual convention of the League on the Springfield, Ohio, Charter, is the third one given by him before the League on the subject of charter making.

Mr. Baker resides in Glendale, one of the attractive suburbs of Los Angeles.

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Our Second Hand Pipe stands any reasonable use. It is selected and guaranteed. Sterilized, hot asphaltum dipped. Health to the community.

Let us figure on your next lot of service pipe. All kinds and sizes of fittings and valves

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143 ELEVENTH ST. SAN FRANCISCO

SYNOPSIS OF CHARTER OF SPRINGFIELD, OHIO

By **FREDERICK BAKER**, of Los Angeles

MAIN FEATURES:

1st. A governing body called a City Commission, consisting of five members elected at large for a term of four years, with a salary of \$500 per annum.

2nd. The City Commission appoints a city manager, who is the administrative head of the municipal government under the direction and supervision of the Commission.

He holds office at the pleasure of the Commission and is appointed without regard to his political beliefs and need not be a resident at the time of his appointment.

3rd. The City Commission also appoints a city solicitor or attorney, auditor, treasurer, purchasing agent and civil service commission. The city manager appoints all other officers subject to civil service requirements as to merit and fitness.

4th. All nominations for office of city commissioner must be made by non-partisan primary election.

A second election is necessary in all cases, at which twice as many names as the vacancies to be filled are placed on the ballot.

No candidate is allowed to make any personal canvass among the voters to secure his nomination or election, but he may cause notice of his candidacy to be published in the newspapers and procure the circulation of a nomination petition.

5th. An estimate for expenditures for the ensuing year based upon detailed

reports from each department must be made up each year after public hearings are held upon the proposed budget.

6th. A provision requiring all sewer, water, gas or other connections to be made before a street is paved, and in default of making such connections, no permission to make them shall be granted



FREDERICK BAKER

for five years, except by special resolution adopted by a vote of four commissioners, and stating the reason therefor.

7th. The initiative is provided for, also the recall for commissioners only, and a referendum on all ordinances except the annual appropriation ordinance, but emergency measures go into effect at once subject to repeal by subsequent referendum.

8th. Right of purchase by the city reserved in all franchises granted, and providing for keeping of complete books of account by all privately owned public utility corporations and filing of reports with the City Commission.

MONTEREY, THE CONVENTION CITY

In 1834 Thomas O. Larkin was appointed American Consul to Monterey, Mexico. Soon after his arrival he was granted a lot and built the two-story building, with adobe walls three and one-half to four feet thick, and a veranda extending around two sides, from which a very delightful view may be seen. The residence is in one block, surrounded by adobe walls 12 feet high and tiled, with a Spanish garden inside. This building, one of the largest and oldest in California, is probably the best preserved. In one of the walls, immediately back of a large fireplace, is an iron door 24 inches wide, embedded in the adobe wall, having an enclosure inside of four feet by six, where all ordnances were kept. The wall extends two inches out beyond the door, so when the door is closed and outside plastered over, would completely hide the place. This is likely the only remaining one, originally placed, in California. Consul Larkin became a very strong and influential person. After Commodore Sloat raised the American flag in Monterey, July 1, 1846, Consul Larkin got busy and worked day and

night to bring the Mexicans together and become good Americans. Acting as especial envoy in all differences for the United States Government, he managed to get the leaders to agree to leave California become American territory without a struggle. It was in his home,



*Consul Thomas O. Larkin residence, built in 1835.
Now the home of Mayor R. F. Johnson.*

where all conferences were held, and where all documents were signed, September 1, 1849, a convention was held to form a State constitution, and Thos. O. Larkin was one of the leading delegates. In 1850 he sold the place to J. R. Leese for \$35,000.

SUGGESTIONS FOR ADAPTING THE SPRINGFIELD, OHIO CHARTER TO NEEDS OF CALIFORNIA CITIES

Synopsis of the Address which will be delivered by Mr. Baker at the Monterey Convention.

1st. The powers of the city should be specified, and the various administrative departments of the city government defined.

2nd. The recall should apply to all appointive as well as elective officers of the city.

3rd. The charter should set forth a complete scheme of civil service similar to that of the Los Angeles county charter, if for a large town.

4th. It should give the city manager full power to appoint heads of all departments and subordinate officers subject only to civil service requirements

where size of town warrants civil service.

This system makes the City Commission the policy determining body the same as the board of directors of a private corporation, while it fixes responsibility for administrative results on the city manager, where it belongs.

5th. Candidates at primary receiving a majority of all votes cast should be declared elected, as in Berkeley charter.

The system of preferential voting should be considered as an alternative method of election without the primary.

SUBSTANTIAL PAVEMENTS

The question of pavements invariably forms one of the chief topics of discussion at the annual meetings of the League. Therefore, it is not inappropriate at this time to consider those methods of street paving which are generally regarded as being of a substantial character and which have been used to a more or less extent by the cities and towns of California.

The Board of Supervisors of San Francisco have just voted \$189,000 for street pavements, much of which is to be of vitrified brick. Engineers universally agree that a good vitrified brick pavement is equal, if not superior, to any other pavement that can be laid. The State of New York is about to put down a large quantity of vitrified brick pavement for its State highway system. Governor Glynn recently sent a special message to the legislature on the subject of road construction in which he made the following interesting comments:

"New York is engaged in building 12,000 miles of road which will wear out forty years before they are paid for. One hundred million dollars has been voted for the construction of New York's highways. If the roads we build in the future cost as much as those we have been building in the past, it will require an additional \$30,000,000 to complete the proposed system. On New York's 12,000,000 miles of macadam roads the annual cost of maintenance will be \$12,000,000, the total cost of the roads will be \$130,000,000, and at the end of ten years from the date of completion, the State will have little to show for an expenditure of \$250,000,000.

"The type of road with which this country has had experience answering these requirements is the brick road with the concrete foundation. In the past New York has been slow to adopt concrete or brick roads because of their initial high cost. Where a macadam



road costs from \$10,000 to \$13,000 a mile to build, a brick road costs from \$20,000 to \$25,000 a mile. Brick roads have been laid in hundreds of cities and have everywhere demonstrated their durability. Brick roads have been down for twenty-five years and have admirably stood the tests of the hardest kind of traffic. The annual cost of maintaining these brick roads has been remarkably low, ranging from practically nothing to from \$10 to \$15 per mile. The total expenditures for twenty years on a macadam road amount to \$36,000. This includes \$12,000 for building, \$18,000 for maintenance and \$6000 for rebuilding at the end of the first ten years. The total expenditures for twenty years on a vitrified brick road amount to \$26,000, if we allow a maximum of \$25,000 for building and \$50 a year for maintenance. On these outside figures the difference in cost for twenty years between the macadam and brick roads shows a balance of \$10,000 in favor of the brick road, even if New York pays the market price for brick.

"The greatest item in the construction

of brick roads is the cost of the vitrified brick. If the State can secure this brick cheaply its road problem will be solved. In a brick road costing \$25,000 a mile the brick itself costs \$12,000. New York can make its own brick by utilizing the splendid deposits of shale which are found in profusion all through the southern half of the State, to turn this natural resource into paving blocks.

"We have the material for brick highways at hand. We have labor waiting within our State to transform this material into the finished product.

"I urge the legislature to appropriate at once enough money to try out at Elmira the plan I have outlined."

Many attempts have been made to manufacture vitrified paving brick in California, but so far without success. A deposit of the right kind of clay required for the manufacture of paving brick has not yet been discovered apparently. The paving brick to be used in San Francisco is to be imported from Seattle.

California is perhaps fortunate, however, in having other suitable material



Cuyahoga County, Ohio, has 1,000 miles of road like this.

for constructing substantial pavements, in its large deposits of asphalt and bituminous rock, also good road-making stone which is abundant and cheap and may be found in all parts of the State. In a bulletin issued by the University of Oklahoma entitled "Brick Paving in Oklahoma" the statement is made that:

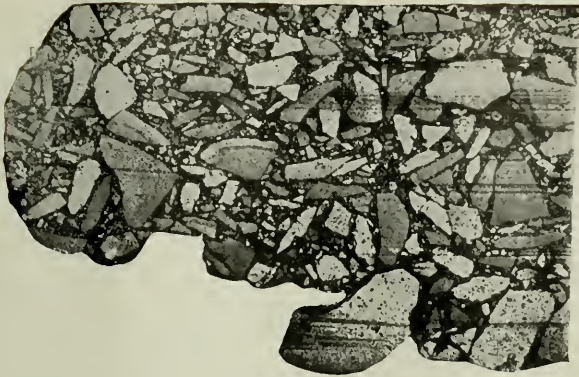
"Where good road-making stone is abundant and cheap and heavy asphaltic oil is also cheaply available, it is perhaps possible that the thorough mixing of the bituminous material with the broken stone while the road is in process of construction may give a road surface of moderate durability under motor traffic. Yet even this is by no means assured at the present time since the lack of conformity in material, or in the method of application easily leads to a disintegration of the surface in spots, which if not promptly remedied soon become deep holes or gullies."

A large amount of experimenting has been done in various parts of the State with the so-called Oil Macadam pavement, with varying success. It is very doubtful if, on the whole, this class of pavement has come up to the expectations of those who first advocated its use. There are two distinct methods generally recognized for constructing an oil macadam pavement. The first involves the simple application of a thin film of oil on the surface, whereas, the other method involves a thorough mixture of the oil with the ingredients before laying. It has not been conclusively shown as yet which method is the best. The one which involves the surface application is much the cheapest and, according to the reports of some engineers, is fully equal to the more expensive method of mixing the oil with the ingredients. It is claimed that when this latter method is followed that the oil below the surface remains alive, that is, it fails to solidify like that on the surface, and possesses no cementing quality. Proof of this is demonstrated by the fact that many oiled roads become wavy after several years' use. Many engineers claim that the only oil macadam pavements which hold up and remain comparatively smooth are those which are subjected to little or no traffic.

The Sheet Asphalt pavement consists of sand and asphaltic cement, heated and mixed together, and laid over concrete or other suitable base as a layer or sheet, and forming in effect a crust due to the hardening of the asphaltic cement upon cooling. Over the surface is dusted or swept hydraulic cement for the dual purpose of dusting and filling the voids and presenting a light color more pleasing to the eye. A lot of sheet asphalt pavement has been laid in various parts of the State and, on the whole, may be said to have given satisfaction. The chief objection to it is due to the fact that it is very slippery, after a heavy fog or light rain and affords very poor surface for horses and automobiles. Furthermore, it is difficult to repair it. However, great quantities of sheet asphalt pavement have been laid in various parts of the world, and it may be regarded as one of the principal substantial pavements in use.

Another pavement which is highly regarded by engineers generally is the patented pavement known as "Bitulithic" or "Warrenite," the trade names applied to asphaltic concrete wearing surface for streets and roads, constructed under patents issued to the late F. J. Warren. "Bitulithic" is applied to street pavements built with the use of extensive equipment especially designed for streets and roads, which equipment is generally of the semi-portable or railroad type, and adaption of the modern asphalt paving plant to the requirements of heating, separating, accurately weighing and combining the various sizes of aggregate in exact proportions. "Warrenite" is applied to roadways prepared with movable portable plants designed to combine the materials by measure before heating, which plants are mounted on wagon trucks and can be moved along the highway and set up and operated at convenient points in a similar manner to the method and operation of the modern large portable concrete mixer.

The Warren idea involves the mixture of the various grades or sizes of rock in such proportions and in such a manner that the smaller pieces of rock will fill the voids between the large pieces, and



Bitulithic pavement.

so on down until the finest rock used is nothing more than dust. This rock aggregate is heated and bound together by the proper proportion of asphalt. It is claimed that the road surface constructed in this manner possesses "inherent stability," that is, the surface itself possesses sufficient stability to bear the strain or load and is not used merely as a protection for a more substantial base. In other words, it is pointed out that in a pavement so constructed the pieces of rock are all in contact with one another, and that the strain or load is borne by

rock and not by asphalt, as is the case in sheet asphalt pavements or pavements of like character. The asphalt used in constructing the Warren pavements is claimed to be merely an agency to bind the rock together.

A royalty of 25c per square yard is charged by Warren Brothers for the use of this pavement, and this fact is undoubtedly the reason why it has not been more popular. Such a reason would hardly seem to be justifiable, however, unless the royalty asked is excessive or the patent invalid. The validity of the



Street in Grant's Pass, Oregon, paved with Bitulithic.

patent has apparently been sustained by numerous decisions, the most important one being rendered by the late Judge Lurton of the Supreme Court of the United States. On several occasions at our annual conventions many of the engineers have intimated that the Warren idea of pavement construction is unquestionably the correct one. If such be the case, it might be a mistake to refrain from making use of it simply because it is a patented pavement. To oppose the use of a thing simply because it is patented is contrary to our national policy. Furthermore, it should be remembered that municipalities are buying and paying royalties on many other patented articles without raising the least objection. For instance, in the purchase of every road roller or scraper, fire apparatus, or pump, many royalties are undoubtedly paid without question.

If the royalty demanded by Warren Brothers of 25c per square yard is excessive, efforts should be made to secure a reduction; it must be remembered, however, that this royalty includes the expense of an expert, who is always kept on the job by the Warren Brothers Company. If there is any doubt as to the validity of the patent, that should also be investigated by competent authorities.

Another pavement which has been used to some extent in California recently is constructed under what is known as the "Topeka Specifications," alleged to be an imitation of the Warren

Brothers' pavement. The "Topeka Specifications" involve a mixture of rock and asphalt, but in a much less quantity than that used by the Warren pavement. When making use of the "Topeka Specifications" in order to avoid infringement of the Warren patent, it is necessary to use much smaller stone and in different proportions. The Warren Company claims that a pavement constructed under the "Topeka Specifications" lacks the inherent stability possessed by the "Bitulithic" or "Warrenite" pavement; that is, that the stones used in its mixture are not in contact with one another and, therefore, that the strain or load is borne by the asphalt and not the rocks. In effect, it is claimed that the "Topeka Specifications" have no merit as to wearing qualities over the standard asphalt, and the only claim to superiority over the standard asphalt lies in the fact that some of the stone used would probably come out on the surface, and so afford a better hold for horses and motor vehicles.

In view of the fact that apparently no clay deposits have been discovered in this State up to the present time which will enable the manufacture of vitrified paving brick, we will be confined to the use of our deposits of asphalt and our numerous stone quarries for building streets and highways. Hence, the various questions involved in pavements of a bituminous character should be given the most thorough consideration.



"Topeka Specifications."

THE TOWN OF SAUSALITO, MARIN COUNTY, CALIFORNIA

OFFICE OF THE TOWN CLERK

San Francisco, July 28, 1914.

Alfred Morganstern, Chairman,
Finance Committee, City Council,
Alameda, Calif.

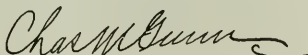
Dear Sir:

Replying to your favor of the 25th instant, regarding the Dolge Budget System in use in Sausalito - Let me say that we are very much pleased with this system, as it has enabled us to finance our town and its public work most satisfactorily for several years.

The only criticism that I have to make is that we have not gone into it more elaborately, as I believe a little greater expense entailed for additional system would be a paying investment. We hope to enlarge on our system during the new fiscal year.

Mr. Dolge's work has been most painstaking, and I recommend him to you as a man thoroughly familiar with this work.

Yours very truly,



Chairman Board of Trustees,
Town of Sausalito.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

- Tanks on warehouses, granting permission to erect. Rio Vista, 1-A.
- Curb and sidewalk lines, establishing. Rio Vista, 1-B.
- Private detectives, licensing. Venice, 1-C.
- Datum plane, adopting. Sonoma, 1-D.
- Street names, establishing. Alameda, 1-E and 3-B.
- Minimum wage, establishing. Sacramento, 1-F.
- Dogs with rabies, protecting public. Placerville, 1-G.
- Mufflers on gas engines, requiring. Sacramento, 1-h.
- Fire limits, designating. Sonoma, 1-I.
- Civil service bureau, creating, and classifying certain employments. Stockton, 1-J and 2-B.
- Maxim silencers, prohibiting use of. Alameda, 1-K.
- Unlawful assemblies, prohibiting. Sacramento, 1-L.
- Dairies and milk depots, regulating. Rio Vista, 2-A.
- Milk inspection, regulating. Rio Vista, 2-C.
- Milk, regulating production, sale and distribution. North Yakima, 3-A.
- Quail, regulating the taking and killing of. Alameda County, 3-C.
- Garbage dumps, requiring the fencing of. Marin County, 3-D.
- Taxes, prescribing regulations for the collection of. Oakland, 3-E.
- Deputy City Clerk, establishing the office of. Compton, 3-F.
- Cement walks and curbs, establishing a plan line and grade. Sonoma, 3-G.
- Hand bills, prohibiting the posting and scattering of. Paso Robles, 3-I.
- Resident district, creating. Burlingame, 3-J.
- Railroad spur track, granting permission to construct. Compton, 4-B.
- Newly-laid pavement, making it unlawful to drive over. San Leandro, 4-C.
- Trees and weeds overhanging sidewalks, making unlawful. Tulare, 4-D.
- Weeds and rubbish on lots or sidewalks, declaring them a nuisance. San Diego, 4-E and 5-E.
- Railroad franchise, granting. San Diego, 4-F.
- Handbills and dodgers, making distribution a nuisance. Tulare, 4-G.
- Volunteer fire department, granting certain police powers. Tulare, 4-h.
- Electric wiring, adopting rules of underwriters. Tulare, 4-I.
- Inflammable weeds on lots, providing for the removal of. San Leandro, 5-A.
- Intoxicating liquors, making possession of a misdemeanor. Santa Paula, 5-B.
- Muzzles on dogs, requiring. Mountain View, 5-C.
- Motor vehicles for hire, licensing. Walla Walla, 5-f.
- Garbage, waste matter and manure, relating to. Palo Alto, 5-h and 6-A.

**RECENT DECISIONS OF THE PUBLIC UTILITY COMMISSION
(RAILROAD COMMISSION) OF CALIFORNIA OF
INTEREST TO MUNICIPALITIES**

City of Huntington Beach vs. Huntington Beach Company.—Case No. 480.—In the matter of the application of Huntington Beach Company for permission to increase rates for water service.—Application No. 791.—Decided August 14, 1914.

Complainants alleging that the rates of respondent company for water and electric service are unjust and unreasonable, petitions the Commission to fix reasonable rates for these two classes of service. Huntington Beach Company, defendant, applies for permission to increase its present rates, the two cases being combined.

Held, Subsequent to the hearing upon this complaint, defendant having sold its electrical distributing system to Pacific Light and Power Company, which latter corporation has placed in effect rates for electric service considerably lower than those complained of, this portion of complaint dismissed.

Held, That the present rates of defendant for water service are unjust in so far as they differ from the schedule herein established, which schedule includes a flat rate of \$1.25 for dwellings of five rooms or less, and a meter rate of \$1.00 minimum per month for 500 cubic feet and 10 cents for each additional 100 cubic feet. Just and reasonable rules and regulations established to become effective within thirty days from date.

Held, That when a water system is constructed of a size considerably in excess of the present need, it would be unfair to place the entire burden of maintenance upon the present consumers, and that though no general rule can be laid down as to what proportion present consumers shall bear, for the present case 100 per cent of plant, in addition to that necessary for their use, together with entire operating expenses, is both fair to the utility and the consumers.

City of Monterey vs. Coast Valleys Gas and Electric Company.—Case No. 499.—Decided July 30, 1914.

Defendant contending that the valuation submitted by its own engineers was not given sufficient consideration, and protesting against the percentages allowed for overhead expenses, petitions for a rehearing in the above entitled case.

Held, Confirming the percentages used and the statements made in the original decision that defendant's valuation was so grossly inflated as to entitle it to no more consideration than was originally accorded it, application for rehearing denied.

Vallejo Trades and Labor Council vs. Vallejo Electric Light and Power Company and City Council of the City of Vallejo.—Case No. 540.—Decided August 12, 1914.

Complainant alleging that the present rules and regulations of respondent, serving electric energy in the city of Vallejo, are unjust and unreasonable, petitions the Commission to establish a just set of rules effective on this system.

Held, Respondent, though claiming to have eliminated all objectionable features of its present rules, joins in the petition to have the Commission establish a revised set, which just rules and regulations are prescribed to become effective within twenty days. Respondent's petition to have all its present contract rates abrogated, denied, though no provisions are made in the established rules providing for contract service.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Charters (Or.).—Under Const. art. 11, Sec. 2, as amended, and art. 4, Sec. 1a, the legislative assembly cannot amend the charters of municipal corporations. *Branch v. Albee*, 142 P. 598.

Laws 1913, p. 548, creating a police pension fund in cities of more than 50,000 inhabitants, applying only to Portland, amends the charter of that city in violation of Const. art. 11, sec. 2.—*Id.*

Debt Limit (Wash.).—An ordinance of a city having a debt in excess of the constitutional limit, providing for the creation of a fund for the construction of a street railway and the issuance of bonds payable out of the fund, held not invalid as creating a debt, though it provided for a loan from franchise taxes to make up any deficiency in the fund. *Scott v. City of Tacoma*, 142 P. 467.

Dedication (Or.).—Permitting uninterrupted use of premises as a park for more than 40 years amounts to irrevocable dedication. *Wessinger v. Mische*, 142 P. 612.

Injunction (Or.).—The threatened prosecution of a criminal action will not usually be enjoined under L. O. L. sec. 389. *Sherod v. Aitchison*, 142 P. 351.

The mere invalidity of a statute or ordinance is not sufficient to authorize an injunction against a prosecution thereunder.—*Id.*

Where an attempted enforcement of an invalid ordinance or statute would do irreparable injury to property rights, equity may restrain prosecution.—*Id.*

Intoxicating Liquors (Idaho).—Where a new county is created in part from "dry" territory and in part from "wet" territory without any statutory provisions as to whether it shall be "wet" or "dry" until a local option election is held, the whole of such new county becomes subject to the license system until the voters shall vote the county "dry." *Village of American Falls v. West*, 142 P. 42.

Liability for Damages (Okl.).—A city is ordinarily liable for damages from a defective bridge only where it has had actual or implied notice of the defect. *Town of Sallisaw v. Ritter*, 142 P. 391.

Motor Vehicle Laws (Or.).—The Motor Vehicle Law, so far as it attempts to regulate the speed of vehicles on the streets of Portland, which had previously enacted ordinances on the subject pursuant to Portland city charter, secs. 72, 73, is violative of Const. art. 11, sec. 2, prohibiting the legislative assembly from amending city charters. *Kalich v. Knapp*, 142 P. 594.

(Cal. App.) Pen. Code, sec. 367e, as amended by St. 1913, p. 218, providing that on collisions in the operation of automobiles the driver or owner must stop, render aid, and disclose name and number, held valid as a police regulation. *People v. Diller*, 142 P. 797.

Nuisance (Colo.).—In a prosecution under an ordinance requiring the connection of vaults with sewers, a property owner who maintained an outdoor vault cannot be punished as for the maintenance of a nuisance, but under an ordinance declaring such structures nuisances and providing for abatement, etc. *Gault v. City of Ft. Collins*, 142 P. 171.

Officers (Kan.).—The common law does not prevent one person from holding two offices, the duties of which are not incompatible. *Dyche v. Davis*, 142 P. 264.

Two offices are incompatible so as to preclude the same person from holding both, where the performance of the duties of one interferes with the performance of the duties of the other and there is an inconsistency in the functions of the two offices.—*Id.*

(Or.) Policemen of the city of Portland are municipal officers, and not State officers. *Branch v. Albee*, 142 P. 598.

Powers (Or.).—That plaintiffs purchased lots for residences opposite a park, paying a greater price than would otherwise have been necessary, does not estop the city from erecting a building thereon so as to create any private right in or to the park. *Wessinger v. Mische*, 142 P. 612.

The widening of streets adjacent to a park through donations by plaintiffs does not create a private interest in the park, and no equitable estoppel arises.—Id.

The construction by a city in a park of a garage for motors to be used by park officers and their employees would be a purpresture, unless the city was authorized to erect it.—Id.

Portland City Charter, authorizing the city to lease, sell, or dispose of parks for the benefit of the city, does not authorize the construction of a garage on a park.—Id.

Public Utilities (Colo.).—Telephone companies held bound to conduct their business in a manner conducive to the public benefit, subject to legislative regulation and control. *Wolverton v. Mountain States Telephone & Telegraph Co.*, 142 P. 165.

The power to fix a rate or regulation for a public service corporation is exclusively a legislative function, and the court may not fix a rate, but may determine the question of reasonableness only.—Id.

Sewage (Or.).—A city cannot, without legislative authority, cast its sewage into a stream so as to pollute it to the injury of lower riparian proprietors, unless it has condemned the interests affected. *Smith v. City of Silverton*, 142 P. 609.

Statutes (Nev.).—That part of a section of a statute is unconstitutional will not necessarily prevent the enforcement of the remainder. *Ormsby County v. Kearney*, 142 P. 803.

(Nev.).—The intention of the Legislature to amend a specified section of the statute must govern, and a clerical mistake as to the section amended must be disregarded. *Worthington v. District Court of Second Judicial Dist. in and for Washoe County*, 142 P. 230.

Street Assessments (Or.).—It is proper to include in a single proceeding and assessment by a city the making of a fill, macadamizing the road, and laying sidewalks on top of the fill. *Hochfeld v. City of Portland*, 142 P. 824.

In proceedings for a street assessment, the adoption by the council of a report of the committee on streets recommending the overruling of remonstrances, without a hearing before the council, was error.—Id.

(Or.).—That premises had been assessed for an elevated roadway, under a charter provision that the property was thereafter to be exempt from special taxes on account of the maintenance of a street in the future, did not invalidate an assessment under an amended charter. *Hochfeld v. City of Portland*, 142 P. 824.

(Kan.).—The statutory provision that action to set aside special assessments must be brought within 30 days applies to an attack on a petition for a street improvement, and cuts off every kind of defense to such an action. *Rockwell v. Junction City*, 142 P. 268.

Street Opening (Or.).—Under L. O. L., Sec. 6874, as amended by Laws 1911, p. 148, and the initiative charter of 1912 of the city of Bandon repeating a provision of the legislative charter of 1891 (Laws 1891, p. 496), relating to eminent domain, the city cannot purchase property for a street by agreement and assess the damages to the owners of property benefited. *Rosa v. City of Bandon*, 142 P. 339.

LIST OF RESPONSIBLE FIRMS TO BE CALLED ON TO BID FOR PUBLIC WORK OR SUPPLIES

Write for Catalogs. Mention Pacific Municipalities When Writing

This list is arranged as a guide for the accommodation of city officials where advertising for bids is not necessary.

Accountant

William Dolge, C.P.A., 311 California St., S. F.

Asphalt Machinery

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Brick—Paving

California Brick Co., Phelan Bldg., S. F.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

Buick Cars

Howard Auto Co., S. F.

Concrete Mixers

A. F. George Co., Los Angeles.
A. L. Young Machinery Co., S. F.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.
American Engineering Corporation, 57 Post St., S. F.
S. J. Van Ornum, 960 Pacific Bldg., S. F.

Conduits

Pierson, Roeding & Co., S. F., L. A., Portland, Seattle.

Curbing—Curb Armor

Pacific Building Materials Co., 523 Market St., S. F.

Curb Bar

Amer. Steel Bar Manufacturing Co., Merchants Exchange Bldg., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.
Standard Corrugated Pipe Co., S.F. & L.A.
U. S. Pipe Co., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.
N. Clark & Sons, 112-116 Natoma St., S. F.

Dump Carts and Wagons

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.
Bowers Rubber Works, San Francisco.

Fire Hydrants

M. Greenberg's Sons, 225-227 Beale St., S. F.
J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Flushers—Street

A. L. Young Machinery Co., S. F.

Flush Tanks

Gladding, McBean & Co., Crocker Bldg., S. F.
Pacific Flush Tank Company, Chicago, New York.
N. Clark & Sons, 112-116 Natoma St., S. F.

Imhoff Tanks

Pacific Flush Tank Company, Chicago, New York.

Inspections and Tests

Robt. W. Hunt & Co., 418 Montgy. St., S. F.
Smith, Emery & Co., 651 Howard St., S. F.

Municipal Accountant

William Dolge, C. P. A., 311 California St., S. F.

Municipal Engineers

American Engineering Corporation, Mechanics Institute Bldg., S. F.
Sloan & Robson, Nevada Bank Bldg., S. F.
Smith, Emery & Co., 651 Howard St., S. F.

Municipal Motor Cars

Howard Auto Co., S. F.

Municipal Printers

A. Carlisle & Co., 251-253 Bush St., S. F.

Municipal Water Works

Smith, Emery & Co., 651 Howard St., S. F.

Pavement Materials

Warren Brothers Co., Los Angeles, Cal.

Pipe

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.
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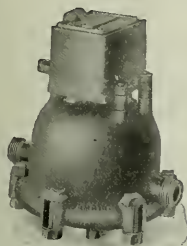
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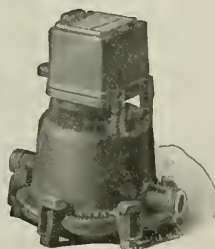
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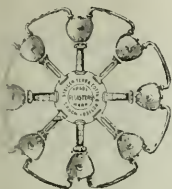
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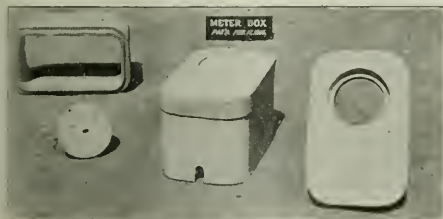
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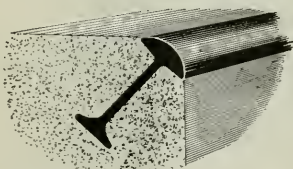
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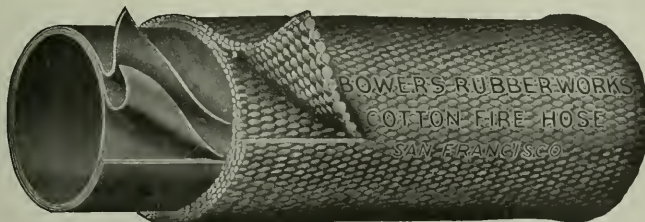
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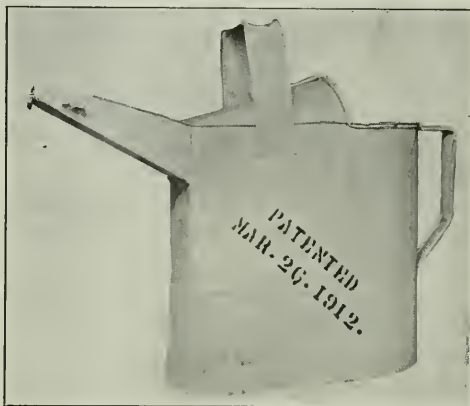
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Pacific Municipalities

OFFICIAL ORGAN OF THE LEAGUE OF CALIFORNIA MUNICIPALITIES
THE LEAGUE OF PACIFIC NORTHWEST MUNICIPALITIES AND THE
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No. 11

EDITORS

S. J. VAN ORNUM
CONSULTING MUNICIPAL ENGINEER
NINTH FLOOR, PACIFIC BUILDING
SAN FRANCISCO, CALIFORNIA

CONTRIBUTING
EDITORS

H. A. MASON AND WM. J. LOCKE

CHARLES GILMAN HYDE
PROFESSOR OF SANITARY ENGINEERING
UNIVERSITY OF CALIFORNIA, BERKELEY, CAL.

EDITORIAL AND BUSINESS OFFICE, NINTH FLOOR, PACIFIC BLD'G, SAN FRANCISCO

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NOVEMBER, 1914

NOTICE—Each city belonging to the League of California Municipalities is entitled to a copy of this magazine for each of its officials without extra charge, and every Board of Supervisors of the Counties of California is entitled to one copy. If not received kindly notify the Secretary.

SEVENTEENTH ANNUAL CONVENTION OF THE LEAGUE OF CALIFORNIA MUNICIPALITIES

HELD AT
HOTEL DEL MONTE, CALIFORNIA

October 12th to 16th, 1914

REGISTER OF DELEGATES

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Charles W. Macrae, Councilman; Geo. L.
Dillman, Councilman; Jos. E. Sutton, Engi-
neer.

Albany—Dr. F. Reeve Woolsey, Health
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Alhambra—Dr. F. E. Corey, Health Of-
ficer; Walter M. Eddy, City Auditor.

Anaheim—William Stark, Trustee; O. E.
Steward, Engineer; H. G. Ames, City At-
torney.

Antioch—B. D. Marx Greene, Attorney.

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Alva E. Snow, Mayor; B. E. Cronkite, Engi-
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Napa—Alex Hull, Health Officer; Wallace Rutherford, Attorney.

Newport Beach—H. A. Robinson, Trustee.

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Oakdale—R. L. Acker, Clerk; Fred W. McKibbin, Health Officer.

Orange—C. F. Newton, Councilman; Henry Terrv, Councilman; Oscar E. Gunther, Councilman; Dr. John Wehrly, Health Officer; William J. Richardson, Superintendent of Water.

Pacific Grove—A. E. Bunker, Mayor; R. H. McKaig, Trustee; Dr. W. V. Grimes, Health Officer; Dr. D. L. Deal, Health Board; H. G. Jorgensen, Attorney; E. S. Johnston, Clerk.

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Health Officer; Norman E. Malcolm, Attorney; Frank Kasson, Clerk.

Pasadena—A. L. Hamilton, Commissioner; T. D. Allin, Commissioner Public Works; Dr. Stanley P. Black, Health Officer; John Munger, Attorney; Herman Dyer, Clerk.

Pittsburg—G. T. Oliver, Engineer; B. D. M. Greene, Attorney.

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Redwood City—Geo. A. Delean, Trustee; E. H. Sampson, Trustee; B. L. Werder, Superintendent of Water; G. C. Plump, Clerk; Geo. C. Dickey, Street Superintendent.

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San Anselmo—H. E. C. Feusier, Engineer; Wm. J. Locke, Attorney.

San Diego—Allen H. Wright, Clerk.

San Fernando—Frederick Baker, Attorney.

San Francisco—Chas. A. Murdock, Supervisor; Dr. Wm. C. Hassler, Chief Sanitary Inspector; Percy V. Long, Attorney; John Ginty, Assessor.

San Jose—F. R. Husted, Mayor; Irving L. Ryder, Engineer; S. J. Hanks, Street Superintendent.

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San Luis Obispo County—Dr. H. M. Cox, Health Officer.

San Mateo—D. Bromfield, Engineer; G. A. Kertell, Health Officer; Chas. N. Kirkbride, Attorney; Miss E. F. Early, Clerk; George A. Bartlett, Street Superintendent.

San Rafael—Dr. W. J. Stone, Health Officer.

San Gabriel—Ruth Purcell, Health Officer.

Santa Clara—Henry B. Fisher, Engineer; James I. Dixon, Superintendent Municipal Plant.

Santa Clara County—Dr. Wm. Simpson, Health Officer.

Santa Cruz—T. W. Drullard, Mayor; P. C. Morrissey, Commissioner; Wm. J. Thompson, Engineer; J. G. Geyer, Superintendent Electrical Department; J. W. McIntyre, Street Superintendent.

Santa Maria—C. L. Preisker, Attorney.

Santa Monica—John A. Morton, Engineer.

Santa Rosa—W. T. Spooner, Councilman; C. E. Skaggs, Councilman; R. Press Smith, Engineer; H. B. Snyder, Clerk; E. W. Beebe, Street Superintendent.

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Sunnyvale—Col. H. R. Fuller, Commissioner; Ida Trubschenck, Clerk.

Taft—Charles Del Bondio, Attorney.

Tulare—H. C. Heitzeg, Mayor; F. T. Robson, Engineer.

Upland—Chas. P. Fuller, Clerk.

Vallejo—W. T. O'Donnell, Attorney.

Venice—E. A. Gerety, Mayor; F. K. McCarver, Trustee; C. S. Thatcher, Clerk.

Ventura County—Dr. Adolph A. Maulhardt, Health Officer.

Visalia—L. E. McCabe, Engineer.

Watsonville—W. A. Trafton, Mayor; P. A. Callaghan, Alderman; S. W. Coffman, Clerk.

Willits—F. W. Taft, Attorney.

Winters—F. W. Wyatt, Trustee.

FIRST SESSION

Monday, October 12, 1914, 2 p. m.

The convention was called to order by the President, Percy V. Long, City Attorney of San Francisco.

ADDRESS OF THE PRESIDENT,
Percy V. Long, City Attorney,
San Francisco.

GENTLEMEN: I beg leave, in welcoming you to this, the seventeenth meeting of the League of California Municipalities, to devote a few moments to the work of our organization.

Since its inception in 1898, its membership has grown with phenomenal rapidity. From a roll of thirteen cities in 1898 it now represents the interests of one hundred and ninety-six cities and towns.

The work that the League has done along concrete lines is adequately set forth monthly in its official organ, "Pacific Municipalities," under the able editorship of Mr. Locke and Mr. Mason.

It is rather on the subject of these annual conventions that I wish to dwell. I fear that we do not realize to the fullest the value of these conventions to those who attend. We each, in our own sphere of activity, endeavor throughout the year to contribute our little to the

betterment of civic conditions. But at the best this work, done in each individual community according to its own needs and aims, is a detached, isolated part of one great plan, whose beginning dates back to the failures of our city government of a generation ago, and whose consummation is one as yet far in the future.

I may well compare my idea to city planning, a topic to be expanded upon at length at one of our later sessions this week.

In the ideal city plan each unit of municipal activity is studied out closely, having in mind the lessons of the past, and with an eye upon the future. Yet each unit must not only be developed for itself alone, but also co-ordinated and sub-ordinated to the great whole, so that when the work is finally brought to completion, each part is seen to fit into its proper place and the success of the whole plan is made apparent in the result.

That is the difference between the draughtsman and the architect—the draughtsman prepares isolated parts under the direction of his superior, but the architect, with the wisdom and broad vision born of trial and experience, brings them together into the completed building.

So with us in our municipal labors. While each of us is busily endeavoring to solve the problems that arise day by

day in his city, he must have ever in mind that great vision of the architect, the idea of building not only for today, but for the future. For the result of our labors is not only to have our particular city well regulated and well governed while we direct the work, but to develop in our communities a great city plan for the future, not only to plan to satisfy the needs of the present, but so to build that the cities of the coast will co-operate one with the other, the one giving, the other accepting, whatever to them seems good, all this to the end that the welfare of all our Western cities shall be the result of our endeavors.

Our coming together in this way once a year, discussing common problems, and endeavoring to solve common difficulties, brings out the broader viewpoint, stimulates to greater effort and helps to create that indefinite attitude of mind to which I have referred as "vision," that attitude of mind in public affairs which distinguishes the statesman from the politician. It produces a point of view which is most necessary in our work. It makes our thinking develop along broad constructive lines which tend toward the attainment of bigger and better conditions. This contact of mind with mind, in addition to crystallizing our point of view, plays a large part in that co-operation which is so necessary to the real and lasting success of our work.

Take, for example, the matter of exchanging ordinances. By means of this agency not only is much unnecessary labor eliminated, but, through the enactment of similar statutes in a large number of towns, a greater spirit of co-operation and harmony gradually gets a foothold. Without this co-operation in the highest degree, without this broad, constructive vision for the future development of our Pacific municipalities, our efforts will fail, with it they must succeed.

So I welcome you to this, the seven-teenth annual convention of our League.

It is our hope that in its sessions you will find much food for thought, many ideas which may throw much light on present difficulties and future problems. And, gentlemen, I sincerely feel that

each one of us should return to our communities the wiser for having been here, wiser because of the knowledge that we are working toward a common end. And broader, because of the knowledge that that common end is the development of a great plan to which, although we cannot, in our tenure of office, bring it to fruition, we can contribute our share through untiring effort and with the knowledge that the League is behind us in all we do. (Applause.)

The President: The first number on the program will be an address of welcome, by R. F. Johnson, Mayor of Monterey. Ladies and gentlemen, I take pleasure in introducing to you Mayor Johnson. (Applause.)

Mayor Johnson: Mr. President and members of the League of California Municipalities: It gives me the very greatest pleasure to extend to you all a most hearty welcome to the City of Monterey and to Del Monte. And during your stay here it will likewise be a pleasure to us to throw over to you our city, and show you the principal places of interest surrounding Monterey, and extend to you every courtesy.

As many of you know, Monterey is surrounded with the early history of California, and probably to a greater extent than all of California's other cities combined. Within a stone's throw of this spot, we find the place where the first constitutional convention met, in the early days, and where our charter was framed. We also have the custom house, which has been under three different nations—first, Spaniards, then the Mexicans, and then our own Government. These spots, together with many others of great historical interest, you will find intact and in good condition.

The citizens of our city will take care of you and take you around and be most happy to give you information concerning everything about you here. I might also add that I have instructed our peace officers, during your stay, to make no arrests whatever of anyone wearing the badge. (Laughter.)

Gentlemen, I bid you again a hearty welcome to our municipality, and the hope that you may thoroughly enjoy yourselves in our midst. (Applause.)

RESPONSE TO THE ADDRESS OF WELCOME.

Frank K. Mott, Mayor of Oakland.

Mayor Mott: On behalf of the League of California Municipalities, in session here today, I have great pleasure in expressing our appreciation of the cordial welcome which you have given us.

The delegates and visitors at this convention feel that Monterey has outdone itself in making us at home here, and I am sure that you have laid all of us under a debt of gratitude for the kindly and happy way in which you have bidden us to be your guests. We thank you and, through you, all of the people of this charming California city for your hospitality, and I know that we shall regret the hour of our departure, so generously and hospitably have you opened your gates to us.

The opening of this convention under these pleasant auspices is a delightful augury of successful sessions during the days we shall be together. Not only are we brought into close personal association, but we are given at the very outset that stimulus of good feeling and harmonious relation, which is strengthening to the purposes of this organization.

The League of California Municipalities has an important place in the movement toward advanced scientific handling of civic problems. Our city and town life is becoming more and more complex. The members of this League have a very real appreciation of the needs of community life, and it is most gratifying that throughout the State, as attested by the League's activities, there is steadily developing a trend toward unified action in the effort to solve our municipal problems. So it is that these League conventions have become important factors in this work.

The future of this State has so much in store for us that it behooves loyal Californians to exert themselves to the utmost. I am sure that I voice the sentiment of this audience when I affirm that all of us are ready to go forward in every undertaking which shall operate for the welfare of our fellow citizens.

Closing, I shall again thank you, Mayor Johnson and the people of Mon-

terey, for your hearty words of welcome, and I would have you take with you today the best wishes of this League for continued happiness and prosperity of your good self and your hospitable townspeople. (Applause.)

REPORT OF THE SECRETARY-TREASURER.

H. A. Mason, of San Francisco.

The President: The next order of business is the report of the Secretary-Treasurer. It is not necessary to introduce to you our Secretary, gentlemen. He will read his annual report. (Applause.)

To the Members of the League of California Municipalities:

In presenting an annual report for the sixteenth time, I believe that it will be unnecessary to present a review of its purposes and activities, as these have been very thoroughly covered in the address of our President.

As the League increases in membership the demand for service correspondingly grows, and the correspondence has reached large proportions. A large part of the letters received are requests for information, in the furnishing of which a considerable degree of research is necessary, and it can be justly claimed that the League is itself a Bureau of Municipal Research.

In order to keep in touch with the activities of the cities and towns of the State, the Secretary's office finds it necessary to receive copies of one or more newspapers from each municipality. The office is therefore in constant receipt of several hundred newspapers a week, all of which have to be carefully scanned and extracts made of proceedings of the cities and copies of ordinances published. It has been found necessary to employ a young lady to specialize in this work. In this way a vast fund of information is being accumulated which is found useful in many ways.

During the past year statistics have been gathered on several subjects and published in the magazine, and this work will be continued as necessity demands.

Numerous requests for copies of ordinances on various subjects have been received and in supplying these the secretaries believe a very valuable service is being rendered.

During the coming year matters of legislation will occupy a considerable portion of the time and attention of this office, and it will be for this convention to determine what new legislation should be asked for from the legislature that will meet in January.

The League is just now getting established financially, and we now have a cash balance of over \$1,500. It will be possible to perform a greater amount of service than heretofore, and it is for you to determine in what direction our activities shall proceed.

If you will pardon the suggestion, I would present the idea of the League doing something in the line of advisory work. We hear of farm advisors for farmers, of bank examiners for banks, and general supervisors for other industries, so why not municipal advisors for municipalities?

Can we not gradually acquire a staff of advisors, or inspectors or managers, or whatever we may wish to call them, and have them in readiness to visit any municipality, or all of them, inspect their operations, advise them when advice is asked, or to criticize when criticism is necessary?

In a work of this kind we can be greatly assisted by the Extension Department of the State University.

I believe that something of this sort would serve to bring about a degree of expert management of municipal affairs.

In effect the League would be furnishing a city manager (in part) to every municipality of the State and, in a measure, fulfill what is being demanded by the people of the various cities and towns.

I have not worked out the details of the plan, and at this time content myself with offering the suggestion for your consideration.

The detail work of the Secretary's office has been performed by the assistant, Mr. Locke, and I wish to commend his faithfulness in the discharge of the duties. The executive committee has

testified to his worth by increasing his salary by \$25.00 a month since last January.

The office is also under obligations to the President for his active interest and co-operation during the year.

The following is a condensed financial statement, the items of which are fully entered in the books of accounts which accompany this report:

FINANCIAL STATEMENT.

Bal. Cash on hand Oct. 1, 1914.....	\$964.68
Received from dues during year.....	4,059.90
	<hr/>
	\$5,024.58
Expenses	\$3,490.93
	<hr/>
Bal. Cash on hand.....	\$1,533.65

BANK STATEMENT.

Bal. Cash on hand.....	\$1,551.15
Checks unpaid	17.50
	<hr/>
Available Cash	\$1,533.65

The following towns have become members during the year, making the total membership 195:

Santa Paula (rejoined)	Arcadia
San Juan	Belvedere
Banning	Clovis
Beverly Hills	Dorris
Beaumont	El Monte
Porterville	Turlock
Oakdale	Rialto
Tropico	Claremont
Angels	Sutter Creek
Alturas	

I want to say that we have made a tentative arrangement with the Extension Department of the State University, under which we are to perform a certain amount of this class of service, in which information will be furnished by the Municipal Research Department of the University, and in turn we will furnish perhaps the more classical workings as related to municipal government. In other words, we have reached a basis of co-operation with the greatest institution of learning in our State, the great State University, and I think the scheme of co-operation will be one that will produce very important results to the municipalities of this State.

The total membership is now very nearly 200, leaving comparatively few cities that have not affiliated with the League.

Assistant Secretary Locke: And Mayfield joined this morning.

The Secretary: Yes, and perhaps before the convention ends, we will have enough to make a full 200.

The President: The report of the Secretary-Treasurer will go to the Department of Clerks, Auditors and Assessors for check, in accordance with the usual custom, if there is no objection. It is so ordered.

REPORTS OF CITIES OF GREATEST MUNICIPAL ACHIEVE- MENT SINCE THE LAST CONVENTION.

The President: The next number on the program is reports of cities. The Secretary will call the roll of cities, and delegates will report for their cities the greatest municipal achievement since the last convention:

ALAMEDA—Mr. J. E. Sutton, City Engineer.

Mr. Chairman and Gentlemen: Alameda is the first city to start a municipal electric light plant. Just recently she has completed a \$150,000 building for rehousing of that system and additional generating capacity. The profits from the operation of that electric light system light our whole city, which would otherwise cost us about \$26,000. In addition to that, there is a dividend of about \$10,000.

You all know where Alameda is—a large number of you have visited there to see our fine streets in the past. They are getting pretty well worn out. I hope you will visit us again in the future and see the new ones we are going to install. We have just completed a salt-water fire system up near the Webster street bridge. We have 200 pounds pressure, with one hose, and 150 with two. On the 21st of the coming month we are going to vote on a new charter—or, rather, the freeholders will be elected at that time. We have a city planning commission, recently appointed. They are right down to facts and are working hard. We have a harbor board commission, and they are making me earn my money. At the next meeting of the city council, in about a week, they will name the date on which we shall vote for \$200,000 of bonds to spend on our harbor

front. Shall I call it the Oakland harbor? Oakland harbor is near by.

As we have been one of the leading cities of the State in the past, we expect to continue to be a leading city in the future. (Applause.)

ALHAMBRA—By W. M. Eddy, Auditor.

Of course, Mr. President, we have both large and small cities to make reports to this convention, and, for the benefit of those living in the northern part of the State, I will say at the outset that Alhambra is a city between 9,000 and 10,000 inhabitants, situated about eight miles out of Los Angeles. It is at the head of the San Gabriel Valley, and is sometimes called the gateway of San Gabriel.

During this last year we have completed a city hall at a cost for, building and furnishing, of about \$36,000. The building is of cement, with artificial granite face. The lower floor, containing the offices, instead of having walls, is divided by bank partitions, which, as well as the furniture, are of mahogany. We have also commenced a library building, and structural work is finished, but the whole work is not completed. That will cost about \$35,000 when completed. It is of Greek architecture, and is placed in spacious grounds and faces the main street in the city.

Four thousand four hundred dollars have been spent for new buildings for the fire department, and \$1,700 for apparatus, with an expenditure of \$3,000 for hydrants. We have two chemicals, one pumping engine, hose carriage and hook and ladder. There have been lamp posts installed on about 25 miles of our streets. A storm drain was completed at a cost of \$17,000. An incinerator has been completed at a cost of \$10,000. It has been in use now for three or four months and is very satisfactory.

Street improvement work under the Vrooman Act has amounted to \$105,000, and, with previous work, we now have 50 miles of improved streets. There have been no school buildings erected during the fiscal year. Up to that time the value of land devoted to that purpose amounted to \$112,258, and buildings, \$188,000. The acreage of the school building sites amounted to 37 acres. This work has all been done in ten years, as ten years ago we practically had nothing.

On April 17th there were voted bonds to the amount of \$200,000, \$100,000 for graded

schools, and \$100,000 for high school purposes. The bonds have been sold and contracts now let for the buildings. There will be a large building for the intermediate grades, and two smaller buildings for the kindergarten, and one large addition. With the high school work, there will be a science building at a cost of \$32,000, and a building of manual arts costing \$40,000, and a gymnasium costing \$25,000.

To show the present activity in Alhambra, besides the school buildings which are being built, contracts for which will amount, I think, to about \$127,000, at present there are \$35,000 worth of other buildings going up, mostly dwellings, all amounting to \$162,800. Last March a body of fifteen freeholders was chosen to prepare a new city charter. The work has been done and the charter is to be voted on this week. It is under the city manager form of government. I think the charter is popular, and the probability is that it will carry. (Applause.) P. S.—A telegram was received on Friday and read before the convention, stating that the charter had been adopted.

ANAHEIM—H. G. Ames, City Attorney.

Our city has completed about two miles of asphaltic street pavement in the city, and also voted and sold bonds in the sum of seven thousand dollars for the purpose of purchasing an auto fire truck for this city.

ANTIOCH—By Mr. B. D. Marx Greene, City Attorney.

Mr. President and Fellow Delegates: For many years last past, and for probably two weeks longer, the Town of Antioch has furnished and will furnish to its inhabitants what I believe is the most unique water service in the United States of America. It is possible at any time, at any hour of the day, to open a tap and have a live catfish come through. However, we have just expended \$25,000, and are putting in an entire new distributing system, including electrical pumping equipment, with an underwriters fire pump and the best filtration plant possible. Our only other achievement has been the turning over of our rate-fixing powers to the State Railroad Commission, with the result that our general electric rates to private consumers have been reduced 25 per cent, and the city saves enough on its street lighting bill to pay my salary each year. (Applause.)

BURLINGAME—J. F. Davis, City Attorney.

In another month Burlingame will have completed 18 miles of first-class paving, making Burlingame the best paved sixth class city in the State of California. The lighting system of Burlingame has been resystematized in the past year, and every nook and corner of the city is now thoroughly lighted with the very latest electroliers bounding Burlingame Square and running the full length of Burlingame avenue, the main street. The reservoir for the new municipal works is just completed.

CLOVIS—L. W. Gibson, Mayor.

Within the last year we have installed a splendid sewer system, with septic tank, etc., which is giving entire satisfaction; also one of the best high-pressure water systems, with a 50-h. p. gasoline engine and a 50-h. p. electric motor. In case of fire, we can use either for direct pressure on the mains. So far we have had force enough from our one hundred foot tank pressure. We have one thousand feet of two and one-half inch hose, a cart, etc., and chemical engine and a very efficient fire department. Have built a large quantity of cement sidewalks and are just completing a Carnegie library.

COVINA—By Mr. J. N. Wilson.

Mr. President and Gentlemen: Covina is a little town of about 2,000 inhabitants, 23 miles east of Los Angeles. During the last year we have put in \$29,000 worth of pavement and expended \$11,000 in street lights, and also have put in a fire, chemical, and pumping apparatus, at an expense of \$9,000. I think that comprises our main achievements. (Applause.)

EXETER—By Mr. C. R. McEvers.

Mr. President and Gentlemen: Exeter is a town of about 1,800 inhabitants, and it is about 60 miles south of Fresno. Last year we have made a number of minor improvements, including sidewalk work, a city jail, and so on, but the achievement that we point to with most pride is the sewer system that is now nearing completion. To show the spirit of the Exeter people on the sewer system, the vote taken last spring showed 428 votes in favor and only 30 votes against, and we felt very proud of it. This system will cost about \$45,000, and we will have an Inhoff tank, and the system will be completed, we think, within the next month. (Applause.)

FRESNO—Alva E. Snow, Mayor.

Chief among the principal achievements of Fresno since the convention a year ago are the following: We have put down 55½ blocks and 6 alley blocks of pavement, having a cement concrete base, one-inch binder and a two-inch sheet asphalt wearing surface. We have completed our Municipal Convention Hall, which has a seating capacity of approximately 6,000. We have added to our fire department two motor-driven chemicals, two motor-driven hose wagons and two tractors for two of our steam fire engines. We have commenced proceedings to install, under the bonding act, 500 electroliers in the business portion of Fresno. These electroliers will cover 57½ blocks.

GILROY—By Mr. John M. Hoesch, Engineer Fire Department.

Mr. President: The City of Gilroy is situated in the south Santa Clara Valley, about 80 miles south of San Francisco. It has about 2,500 inhabitants. During the past year, under the Municipal Improvement Act of 1911, we have expended \$65,000 in paving our main street a length of over one and a half miles, seven blocks of the business district being paved the full width, sixty feet, from curb to curb, and a 24-foot strip at each end to connect with the State highway. Our pavement has a cement concrete base of six inches and a one and a half-inch sheet asphalt wearing surface. Part of this work was paid for by bond issue, and the remainder by assessment under the improvement act. We have also expended approximately \$5,000 in completing the concreting of our municipal water reservoir, and \$1,100 for an electric pump pit and \$400 in extending the water main, and we have voted \$10,000 in bonds to improve the supply mains of the water department. Three thousand dollars has been expended in the improvement of our gas and electric lighting plant, and \$300 in an electric sign. We voted \$7,000 at a bond issue to improve our fire department equipment. (Applause.)

HANFORD—Mr. M. Enderlin, Engineer.

The City of Hanford, Mr. President and delegates, is the county seat of Kings county, and is about 30 miles south of Fresno. Our most important achievement is still in progress, namely, a sewer system, costing about \$80,000. We have already laid some five miles of vitrified pipe, 1½ miles of

monolithic, reinforced, concrete outfall, and are installing two Imhoff tanks for our sewage disposal. Hanford is about as level as this floor, requiring pumping of sewage by means of compressed-air ejectors. In addition to our sewer system, we have, under the 1911 Improvement Act, put in some 5,000 feet of oil macadam, built a new school house, the cost of which I do not recall, and purchased a road machine of the Haines type, and a gasoline tractor for street surfacing. (Applause.)

HAYWARD—A. E. Fischer, Trustee.

In response to the request that I frame a report of the principal achievements of our municipality since the last convention, take pleasure in stating that we have completed the last mile and a half of our main streets by paving with asphaltum, thus giving the public, in all, about five miles of first-class streets. In addition to these asphalt streets, we covered two miles of roads with oil macadam. Another important achievement during the past twelve months was the building and completion of a fire engine house, together with a fire alarm system, costing \$15,000.

INGLEWOOD—Paul E. Kressly, City Manager.

A summary of the principal achievements of this city during the past year is as follows: \$200,000 Polytechnic High school; \$5,000 for the development of a park system, comprising five sections, containing approximately six acres of ground; \$1,200 for a public playground; adopted city manager plan of municipal government; constructed 2½ miles of macadam streets, together with curbs, gutters, sidewalks, etc.

KING CITY—R. R. Diaz, Trustee.

We have greatly improved the fire-fighting facilities by the purchase of up-to-date fire-fighting apparatus, and the installation of larger pipes, larger and more powerful pumps, and the latest type of fire hydrants. We have also installed a pretty complete system of drainage pipes.

LINDSAY—Mr. E. V. Bogart.

Mr. Chairman: Lindsay is only a little town. We are building 23 blocks of bituminous pavement. That is one of our principal achievements. One notable thing with us is that for three consecutive years the Board of Equalization has met and adjourned without the presentation of a single

kick. I think another achievement is that every incorporated city and some of the unincorporated cities or towns between Fresno and Porterville claim us as a suburb, the reason for which is that we ship something like 4,000 cars of oranges every year. (Applause.)

LIVERMORE—F. C. Lassen, Trustee.

The principal achievements of the Town of Livermore for the past year were as follows: Construction of new sewers, \$1,500; regrading and graveling streets, \$1,900; purchase of new sprinkling wagon, \$562; purchase of 500 feet new fire hose, \$450; purchase of new books for library, \$246. Total, \$4,658.36.

LODI—By Mr. H. S. Clark.

Mr. Chairman: I feel that, in the face of the statements that have been made for other cities this afternoon, anything I might report for Lodi would not be particularly notable. It is a small city, as you know, with a population of 4,000, and most of its municipal achievements have been accomplished in previous years. I would not, however, like to give the impression that Lodi is not progressive, for she is. During the past year we have done some work in the way of street improvements and street lighting, at a cost of \$30,000 or \$40,000, which was mostly done by private contract. We have also annexed some new territory, adding about 400 to the population of the city and taking in at the same time the Union High school, which, of course, does not belong to the city, though it is now within the city limits. That school was built last year at a cost of \$150,000. The most notable small item that I might mention would be the addition to our fire-fighting apparatus of a Seagrave combination hose and chemical truck, which gives a fire equipment value of about \$12,000 at the present moment. And I want to say that that piece of equipment has been demonstrated to be very effective. Our fire chief's report for the year ending June 30th shows that during the year we had ten fires, and the amount of property involved totaled \$46,700, while the actual loss upon the property was only \$5,340. I believe that is all I can report for Lodi. (Applause.)

LONG BEACH—By H. B. Riley, City Clerk.

Mr. President and Fellow Delegates: To me one of the greatest achievements of our

city during the past year is in sending the city clerk as a delegate to this convention. But we have achieved a number of things, the accomplishment of which will do a great deal toward making a city. Besides voting a special tax for harbor improvements and authorizing the issue of bonds for other municipal improvements, we have been able not only to vote bonds, but we were successful recently in selling \$340,000 worth of 5% sewer bonds, and the work will soon commence upon the construction of a main and supplementary outfall sewer system for the City of Long Beach, which simply follows our forever-boosting policy.

MARYSVILLE—H. G. Niebling, Assessor and City Clerk.

Mr. President and Delegates: I think the City of Marysville has made no mistake in sending a representative to this convention. Being a young member of this league, she has sent her youngest official to attend. During the past year the City of Marysville has constructed a new concrete approach to the large bridge spanning the Feather river, at a cost of \$32,000. Marysville is known as the "Hub of the Sacramento Valley," with four railroads leading into it and water transportation on the Feather river to Sacramento and San Francisco. We have a population of 6,600, and in the last year and a half have paved 24 blocks of new street. An up-to-date sidewalk ordinance has been the means by which we have now almost the entire city covered with first-class sidewalks in all directions. Marysville is prophesied a comer; has a monthly payroll of something like \$25,000, and is located in one of the best mining and agricultural districts in the State. We hope to report still greater progress at the succeeding conventions. I thank you. (Applause.)

MAYFIELD—Mr. Norman E. Malcolm, City Attorney.

Mr. President and Gentlemen of the Convention: I am glad to announce that Mayfield is the baby city of this League. She has today been placed upon the roll of membership. Although I am the city attorney of Palo Alto, and reside there, I am proud to be here today also representing the historic old town of Mayfield, in the northern end of the Santa Clara valley, as its attorney. You have all heard of the great El Camino Real, that highway that stretches

from the City of San Francisco to San Diego. You have, and the northern delegates especially, seen in the newspapers lately something about the beautiful main street of Mayfield. I am talking to automobile people, of course; and they will appreciate it when I say that Mayfield has been placed upon the map as having had one of the worst main streets in the State of California. I am proud to announce today that Mayfield is upon the map, and her main street is going to be one of the best paved streets in the State, so that autos can enter at the northern end of the town where the State highway stops, depart at the southern entrance of the town, and be again on the great highway. Race right through town—provided the town marshal does not capture you. (Applause.)

MONTEREY—Mr. F. A. Treat, City Attorney.

Mr. President and Members of the Convention: I believe one of the greatest achievements that has been made by Monterey during the last year has been the awakening of the people from their lethargy and getting them to take an active interest in municipal affairs. It has been one of the most difficult problems that the awakened portion of Monterey's people have had to awaken the other people to a realization as to what they should do in order to benefit and boost their city to where it should be. We have spent considerable money, perhaps in the neighborhood of from \$50,000 to \$60,000, upon our streets during the past year, and one of the things that has been accomplished by this improvement has been relieving our main business street from the unsightly poles that have been there. There is not a pole now along our business street, unless it is an electroliner, and they are beautiful things. The unsightly aspect of it is all taken away. If you are on the streets of Monterey at night, you will notice the effect. We had a wharf proposition under way for a considerable period of time. A wharf has been there now for about forty years, owned by private corporation. Finally, through the activities of our mayor, on the first day of November of this year, the City of Monterey will own the wharf that has heretofore been privately owned, and now plans are to be looked into and a report made to the council with reference to a \$130,000 municipal concrete wharf. One thing which

we have accomplished during the past year and which has been of great benefit to us and to everybody upon this peninsula is the prosecution of actions which the city has instituted against our public utilities, the gas company, the electric company, and the water company, furnishing us those commodities on this peninsula. We have gotten favorable decisions in the cases, and by reason of the reductions that have been obtained, the people of this peninsula are benefited to the extent of at least \$15,000 a year. And I want to say that those actions were prosecuted before the railroad commission of this State. (Applause.)

NAPA—Wallace Rutherford, City Attorney.

While Napa during the past year purchased a Segrave-Gorham Motor Driven Fire Engine, constructed a \$25,000.00 reinforced concrete bridge, and expended large sums in the improvement of her streets, we believe our greatest municipal achievement was the passage and enforcement of an Ordinance regulating the sale of milk. We tested out of the herds over 50 cows, made every milk dealer clean up his dairy and creamery, and reduce the bacteria in the milk from "too numerous to count" to the very highest being less than 80,000 per c. c.

NEWPORT BEACH—Mr. H. A. Robinson, City Clerk.

Mr. President, Ladies and Gentlemen: Newport Beach is a town about forty miles from Los Angeles. It is situated, as the name would indicate, on the coast, posing at the present time as a beach resort point mostly. We have a fine bay which will in the comparatively near future be developed and prove our greatest asset. Newport Beach owns its water system; and has found municipal ownership a wonderfully good thing as far as our experience has gone. Our greatest achievements during the last fiscal year figure out about as follows: Improvement of the water system by relaying of a new and larger main and various lesser extensions, at a cost of about \$25,000.00; street improvement to the tune of about \$10,000.00, and the getting under way of an ornamental street lighting system at a cost of about \$20,000.00. We are convinced that the only thing for a small community to do if it hopes to be on the map is to incorporate and be in a position to help itself. We are

a small city; but we are progressive. (Applause.)

OAKDALE—R. L. Acker, City Clerk.

The principal work we have accomplished has been the grading of about ten miles of city streets, the construction of a street lighting system, and the building of a bath house at our municipal swimming tank. We feel quite proud of our swimming tank as we are the only small city in the valley that has one, and it is the source of a great deal of pleasure to our people during the hot summers. There has also been a gas plant built, but it is privately owned.

OAKLAND—Mr. Frank K. Mott, Mayor.

Mr. President The City of Oakland has made general progress and development in all her departments during the year. Perhaps our most notable achievement is the practical completion of the new \$2,000,000 City Hall, and the voting by the people of bonds in the sum of \$500,000 to complete and furnish the new Auditorium, that building now to cost about \$1,000,000, without including the land, and which will seat, in all of its main halls, 15,000 people. We regard that as really an asset of the State, in addition to its being an asset of the city, because we hope, through that, with the San Francisco and Los Angeles auditoriums, and auditoriums in some of the other cities, to be a factor in inducing more national conventions to come to California. That, of course, will not only help us, but help all in the State. So Oakland is entitled to credit for the erection of this splendid building. Those, I think, are the most notable things we have done during the year. To go over the long list would take too much time. But in all other lines, I can say to you that Oakland has been doing her part towards bettering conditions and building up the city. (Applause.)

ORANGE—C. F. Newton, Trustee.

It is rather difficult for me to designate our city's chief achievement since the last League Convention, for the policy of the city in the twelve months that have elapsed has been one of developing and perfecting what we already possessed. Owning our own water system, its mains were extended to reach all portions, and many additional fire hydrants were installed and the fire fighting equipment made more efficient by extending the fire alarm system and having competent

men always on duty to man the motor fire truck. Having a splendid sewer system, efforts were successfully made to secure connection with same on the part of all property owners; our Plaza, in the heart of the city, has been greatly improved and made more attractive, and additional seats provided. All these improvements have been carried out in line with a fixed policy of improving what we have and sustaining our present low rate of taxation. This policy will be adhered to in present year with especial attention to beautifying our parking strips and park system, extending electrolifer system, and presenting to visitors in 1915 one of the cleanest and most sanitary cities in the southland.

PALO ALTO—Mr. R. E. Swain, Mayor.

Mr. Chairman: Since receiving the ultimatum of my colleagues from Palo Alto this morning that I should respond for our city, I have felt myself in somewhat the same dilemma as was President Lincoln when he was presented by three rival hat makers with as many hats, each the most notable achievement of its maker. He looked them over carefully, and said, "Gentlemen, your hats mutually excel each other." So I feel compelled to speak of three things that have been accomplished in Palo Alto rather than to attempt to call any one of them the greatest achievement of that city during the past year. The first of these, was the installation of a Diesel engine, which was purchased by us last year at an expense of upwards of \$27,000. It was guaranteed to develop 300 horse power, brake test. According to results of the investigation of a consulting engineer, in our employ in Germany for this purpose, using California oil, 1000 gallons of which were sent there in order to make the test complete, this engine showed that it would develop 13 kilowatt hours per gallon of California oil, whereas at our permanent plant, under careful inspection we have been getting from oil about 1.8 kilowatt hours per gallon. We profited to a considerable sum by the reduction in tariff from 45% under the old tariff law, which was in force at the time the contract was let, to 20% under the present law, thus saving us \$200. Had we been able to use the Panama Canal, we should have saved about \$1200 more in freight. However, I may add that we succeeded in having the engine delivered at Palo Alto just a

full month before hostilities broke out in Germany. The second achievement in Palo Alto was the voting of bonds for a street revolving fund, which clears the way for Palo Alto to construct its own streets, using this revolving fund of \$25,000 whenever, in the opinion of the City Engineer and Board of Public Works, the city may profitably undertake the work itself. That, I believe, is almost unique among the municipalities of the Pacific Coast. The fruits of this action have already been apparent. We recently authorized approximately three miles of street work under private contract at a figure which probably means a net saving of upwards of 20% over former costs, inasmuch as we were able to hold over the heads of private contractors the threat of municipal construction. Our third municipal achievement was the installation during the year of a garbage incinerator, which is now in successful operation. This incinerator, which is of the high-temperature destructor type, is operated in connection with the municipal power plant, so that its heat may be profitably used. Its capacity per hour is one ton of garbage, and its cost something over \$15,000. Back of this, going into effect this month, is a thoroughly worked out garbage ordinance, imposing compulsory collection of garbage, and behind the ordinance is an inspector whose duty is to see that its provisions are neither neglected nor disobeyed.

PASADENA—Mr. T. D. Allin, Commissioner of Public Works.

I am not going to tell you where Pasadena is, Mr. Chairman. I will state, however, that we are not within the boundaries of the City of Los Angeles. We do adjoin that city, as does Long Beach, and yet Pasadena and Long Beach are thirty miles apart. I am not supposed to tell you how large Los Angeles is, as one of the achievements of Pasadena, but I thought I would take advantage of the opportunity. Among our achievements during the past year are as follows:

First. The completion of the Colorado street reinforced concrete bridge across the Arroyo Seco, under construction a year ago and built jointly by the city and the county, at a cost of \$201,500, or, including approaches and right of way, \$240,000.

Second. Construction of the Huntington Terrace reinforced concrete bridge across the Arroyo Seco, the bridge being built

jointly by the city and the county at a cost of \$50,000.

Third. The installation of a municipal swimming pool at Brookside Park.

Fourth. The addition of another power unit to our municipal lighting plant, such unit now being installed at a cost of \$42,000.

Fifth. The annexation of San Rafael Heights and Linda Vista, embracing an area of two square miles.

Sixth. An addition to our municipal oil plant, making it, we believe, the most convenient and up-to-date municipal oil plant on the Coast.

Seventh. New equipment for our fire department, at a cost of \$25,000.

Eighth. The issuance of 1750 building permits in the fiscal year ending June 30th, covering a value of \$2,210,000, and the issuance of 1359 building permits this calendar year to October 1st, covering a valuation of \$1,834,000, which rate of valuation, if continued for the three remaining months of the year, would give a valuation a little above any other year in the city's history.

Ninth. The expenditure during the last fiscal year for street improvements, bridges, storm and sanitary sewers, and drains, electric conduits, and ornamental light installation, of the sum of \$612,000, which, together with that part of the Public Works budget not included in the improvements last enumerated, make an expenditure of \$850,000 for public improvements and maintenance within this one department. (Applause.)

PITTSBURG—Mr. B. D. Marx Greene, City Attorney.

Mr. President and Fellow Delegates: Five years ago Pittsburg was a little village on the San Joaquin river with a population of about 900. Now it has a population of about 3500. We have completed within the last four years \$250,000 worth of street work on an assessed valuation of between \$500,000 and \$600,000, and there has not been a single protest filed. Six weeks ago Pittsburg started what is, I believe, the first constructive piece of city planning work that has ever been done in this State. We at that time passed an ordinance creating a Street Planting Commission, and drafted a very drastic ordinance relating to trees, their planting on the streets, their cutting and pruning, and providing for the office of tree warden to give all his time to the city on a definite salary. Incidentally a public-spirited

citizen has, for the first year, given the city all the trees they could possibly plant upon the streets. We have also drafted various ordinances regulating saloons, of which we had a great many. All of which indicates that Pittsburg is a progressive city. (Applause.)

RICHMOND—D. J. Hall, City Attorney.

Mr. President and Fellow Delegates: Since our meeting of a year ago, the City of Richmond, like the little old Ford in the song, has "rambled right along." We have kept up our record for the amount of street work done and improvements made, as the few figures which I will give you will demonstrate. During the past year we have been constructing and now have under construction a great highway with a tunnel through the hill leading out to our water front, which highway and tunnel will cost in the neighborhood of \$400,000.00. We are also preparing to build at the end of this highway a municipal wharf at a cost of \$230,000.00. During the past year we have spent in street improvement work, exclusive of sewers, something over a half million dollars. Upon one street alone, Cutting Boulevard, which will be, when completed, one of the most magnificent streets in our city, contracts have been let aggregating \$260,000.00. We also have under construction storm and sanitary sewers, the cost of which will exceed \$75,000.00. In addition to bonds already issued for school purposes, we have issued during the past year bonds for additional school facilities in the sum of \$150,000.00. We have completed a fire hall at a cost of \$13,000.00. All of this work has been done with a tax rate of \$1.00—23c of which is devoted entirely to the bond fund. I think this is some record of achievement for one year. I thank you.

RIVERSIDE—Geo. E. Tucker, County Health Officer.

Following the voting of \$1,160,000 water bonds and the acquisition of the three privately owned water systems mentioned in last year's report, the City of Riverside has now practically completed the combination and extension of said systems as follows: 56 miles of Matheson joint pipe, 4 to 10 inches in diameter; 4½ miles of reinforced concrete pipe, 10 to 30 inches; 7 miles of riveted steel pipe, 14 to 20 inches; one 3,000,000 gallon reservoir and two 500,000 gallon ones; two big fire pumps; two booster

pumping plants complete for high level lines; 356 new fire hydrants. The city installed all the Matheson pipe itself, and all the new work has been most favorably passed upon by the consulting engineers. With a population of 17,000 in 46 square miles, Riverside now has 197 miles of mains and laterals, not including services, and serves approximately 36 square miles within and from 10 to 15 without the city limits. The water and electric light departments are now in the new office and store building. The fire department is now using motor apparatus exclusively and, with the above mentioned new hydrants, pumps, etc., our city has excellent protection. Free parking space water has been granted. The distribution of roses and chrysanthemums has given added beauty. County Fair grounds have been purchased, adjoining Fairmount Park, with the city's aid, several permanent buildings constructed and a successful fair just held. Two acres have been added to Fairmount Park. Additional park land now owned adjoining the Poly High grounds and a free swimming pool built therein by public subscription. New Magnolia avenue cars are now in operation and trolley connection with Los Angeles completed via San Bernardino. The street department has completed a \$10,000 reinforced concrete bridge at Main street under-ground crossing of the Crescent City Railway. Perhaps schools should not be mentioned here, but we are rejoicing in the additional equipment at the Poly High and the building of a new grammar school and additional kindergartens. And with each passing year we are striving to come nearer the Riverside of our dreams.

SACRAMENTO—Mr. W. J. Desmond.

Mr. Chairman: Sacramento during the past year has done many things in the way of expenditure of money, and I think that it has been well expended. We have purchased within the last two months four pieces of motor-driven fire apparatus, and one motor-driven police patrol. I don't think we will have much use for the last named article, however. We are spending \$887,000 for a levee in Sacramento. We are expending \$1,329,600 on extension of water mains, and \$208,000 for a hall of justice and a city jail, \$1,032,000 for an extension of our sewer system, \$113,600 for an electric light distributing system. It is the intention of the city to install the system, and when the

system is installed, obtain rates for electric current from the two companies which are competitors in our city. We have purchased thirteen acres of land and converted it into a corporation yard, erecting our own buildings for the storage of the street appliances and stables for the horses. We are building two fire stations, one of which in the residential portion of the city, is of the so-called bungalow type adopted by the City of Portland, and resembles nothing so much as a very pretty bungalow. We have built miles of streets, of asphalt macadam and asphalt surface. And it has been the policy of the city to assist the property owners on every occasion where improvement has been formerly made on the street. For instance, if the improvement had been gravel, the city adopted a policy, through its commission, of assisting the property owners where one street railway track was laid in the street, at a rate of \$900 a block, and where there were two street car tracks, \$800 a block, and where there were no street car tracks, to the extent of \$1000 a block, deducted from the cost of the improvements. We finished this year payment for the Del Paso Park, aggregating thousands upon thousands of dollars. One of our best citizens having made his fortune in the City of Sacramento, remembered it to the extent that he left it \$250,000 for the purchase of a public park, and in memory of his beloved mother, he left \$200,000 additional for the aid and assistance of those who were unfortunate. Sales of bonds were limited at the time and we were building a cross levee at the southern limits, and needed the sum of \$200,000, so we invested the gift in our own bonds, returning to the fund nearly \$10,000 a year, and the City of Sacramento enjoys the distinction of having had a citizen kind enough and patriotic enough to generously remember the city where his fortune was made. (Applause.)

SAN ANSELMO—Mr. H. E. C. Feusier, City Engineer.

Mr. President and Fellow Members: San Anselmo is a small town in Marin county, and like other small towns in its vicinity, is simply a lodging house for San Francisco. The income of the city is small. We are like the man who had a one dollar income and a five dollar appetite. During the past year they have been paying off bonds, but they succeeded in completing or having now

in course of construction one new school building at a cost of about \$16,000. We have put in about 6000 yards of new pavement, and have repaired about 20,000 yards of old pavement, and put in one concrete bridge and storm sewer, and a 200-foot wooden bridge and about 1200 feet of new sewers. Mr. Locke reminds me that we are putting in a new \$10,000 library. (Applause.)

SAN DIEGO—Mr. Allen H. Wright, City Clerk.

Mr. President and Delegates: San Diego is a city of about 90,000 inhabitants, in the southern extremity of the State, and, like San Francisco, we are going to have an Exposition this coming year. One of the greatest achievements down there is the completion of our Exposition buildings. We are now installing the exhibits. It will cost us something like \$10,000,000 and the director-general told me just before I started from there that there would be a balance in the fund of \$125,000 after all the buildings were completed and ready for opening on January 1st. We have expended a million dollars on harbor improvements and a municipal pier and bulkhead, and are now expending \$400,000 for dredging the channel and approaches to the pier. Our fire department has been equipped throughout with auto apparatus, and we, like some of the other cities, have added an auto police patrol and ambulance. Ten miles of asphalt pavement have been put down. We have created a tree planting commission, which is now doing good work, trimming up the old trees and directing the planting of new ones throughout the city. Two years ago we had a bond issue of two and a half million dollars to purchase the system of water owned by the Southern California Mountain Water Company, of which Mr. John D. Spreckels was president. We then concluded to purchase, back in the mountains about seventy miles, the great Moreno Reservoir. We had an option for the purchase of that reservoir extending ten years. This year we decided to take advantage of the option, and we had a bond election at which a million and a half dollars more was authorized for its purchase. So now the city has obtained possession of it, and owns the water system, from the place where it is impounded in this Moreno Reservoir, having a capacity of 13,000,000,000 gallons, down to the very mains and service pipes to the residences. A board of fifteen

freeholders is now working upon a new charter which will be submitted to the people before the first of January, and, if carried, it will go up to the Legislature at the coming session. Of our Exposition, I hope to tell you something more during the week. I wish to thank you at this time. (Applause.)

SAN FERNANDO—H. C. Caldwell, Clerk.

Completed \$78,000 worth of asphalt pavement, curbs, walks, and lighting posts; \$10,000 worth of macadam pavement walks and curbs; started a movement toward a municipal water system; arranged for two large pieces of railroad property in center of town to be parked; voted \$240,000 bonds for new high and grammar school buildings.

SAN FRANCISCO—Mr. Charles A. Murdock, Supervisor.

Mr. President and Fellow Delegates: San Francisco is a small city about four miles west of Oakland. It has a population of about a half million that we take care of in our own quarters, and about a quarter million that we send across the bay or down the peninsula so that they can sleep quietly and safely and be ready the next morning for the strenuous life of San Francisco. I am somewhat embarrassed to begin to report on what San Francisco has done, so far as the most important achievement is concerned, because I have to tell the truth and I want to be modest, and if I do the first, I am afraid the second will be called in question. It is pretty hard to tell what is the most important achievement of San Francisco during the last year. I can say to you that we spent about \$14,000,000, and we could very easily have spent much more. I cannot stop to tell you how the expenditures are divided—it would take too long. But of all the achievements of the past year, I think there can be no question, and in that I think our President will agree with me, that the winning of the Hetch Hetchy grant is the greatest. In fact, I think it is one of the most remarkable legislative achievements on record, and what it will mean to San Francisco and the adjoining cities or districts that will eventually have to depend on water from the Sierra, no one can imagine. In addition to that, we shall bring in enough electric power to run all the street cars and light all the streets of the cities on both sides of the bay, and have almost as much left over to supply the irrigators of

the San Joaquin Valley, or to dispose of for power. What Hetch Hetchy means to San Francisco in possibilities cannot be overstated. Perhaps some of our people might disagree with me, and say that, on the whole, the greatest success we have achieved in the last year is with our municipal railroad. In that, we are leading and encouraging the whole United States. A year ago, we had demonstrated that we could build a road. Today we can report that we have had marked success in its management. We have not only managed the road that we built, but we have acquired the Union street road, its franchise having expired, and have also added to our municipal system large extensions, some of which are paying well and some of which are not paying, though not to our disappointment at all, because the main purpose was to afford transportation to our citizens. We are entirely satisfied with the success of municipal ownership in street railways, and have no doubt that our example will be encouraging to the cities of the entire country. Another great achievement is what has been accomplished in the erection of our city hall and the embellishment of the civic center, which does not as yet show for all that has been done, but which will be in good shape by the time the Exposition opens. When we think about the quarter century that it took to build the city hall we had at the time of the fire, and that it practically took ten times as long to build the foundation to that building as it will to complete this, we feel that we are not at a disadvantage, in that respect, with our forefathers. In addition to that, there are many other things that have been accomplished in San Francisco. We have made the beginning of tunnels in our city. We have completed the Stockton street tunnel, and the cars will be running through it I believe before the first of December. We are ready to let the contract for the Twin Peaks tunnel, which will cost something over \$3,000,000, and so quietly has it been brought about that hardly anyone has known it; a tunnel has been built under Black Point, so that all the exhibits of the Exposition will enter by rail. We have also done a great deal in the way of boulevards and the improvement of our streets, and in connecting with the State highway. The Junipero Serra Boulevard is completed, the Sloat Boulevard soon will be, and we have projected a beau-

tiful drive around and over the Twin Peaks, which will afford San Francisco perhaps as good a series of drives as can be had in any part of the country. We have completed an incinerator, and in that respect, burning the garbage alone, we attain a temperature of 1800 degrees, which seems an impossibility, but we see it done. We have adopted an ordinance providing for a city planning commission, and we hope to take our places with other municipalities in that respect. I cannot take my seat without expressing my great satisfaction, representing the commercial capital of the State, at the nature of the reports that have been presented today, and with the value of this organization. I hope we will all stand by it and make it even stronger and better than it is now. (Applause.)

SAN JOSE—Mr. F. R. Husted, Mayor.

Mr. Chairman and Gentlemen: Sitting back there next to the genial City Clerk of Oakland, he informed me that Oakland is surrounded on three sides by sunshine and on the west by San Francisco. San Jose, I can say to you, is surrounded on all sides by sunshine. I find myself somewhat in the same predicament that our friend from Long Beach was in when he rose to speak. He said that the chief achievement of his town was in sending him to this convention. I feel that the greatest achievement that San Jose has accomplished during the past year has been the election of a good Mayor. (Laughter.) I would say that at the present we have under consideration a new charter on the city manager plan. We have referred all of our public utilities matters to the Railroad Commission, built a concrete bridge at a cost of \$17,000, laid 116,000 square feet of sidewalk, and 34,000 running feet of curb and gutter; spent \$55,000 in the improvement of sewers, \$200,000 in street paving, \$30,000 in an incinerator, and \$35,000 in motor-propelled fire apparatus. I thank you. (Applause.)

SAN MATEO—Mr. Davenport Bromfield, City Engineer.

Mr. Chairman: San Mateo has kept up the good work during the past year, principally along the line of street paving. She has spent about \$185,000 in asphalt pavement during the past year; has built four bridges at a cost of \$47,000; erected a new city hall at a cost of \$40,000, and spent some-

thing like \$10,000 in continuing the work of constructing cement sidewalks, a total expenditure of about \$300,000 during the past year. As to what is the greatest achievement of our little city, it is hard to say. It all depends upon the point of view. From my point of view, I think probably the erection of the city hall is our greatest achievement, because we attempted to build one four years ago and the bond issue for it was defeated. Evidently we have educated a good many of our people since that time. Others there may be who think probably our greatest achievement is the establishing or dividing up of the city limits into industrial and residential sections. We had a great fight in our city for some time over the establishment of such things as asphalt plants and lumber plants, contiguous to our residence section. San Mateo is principally known as a residential city, a suburb of San Francisco, and a great many people took umbrage at this erection of industrial plants in the residence section, so we had an election and the people voted to divide the city into residential and industrial districts. Others there may be who think that possibly our greatest achievement is that, considering the great advance made by our neighboring cities of Burlingame and Hillsborough, who think they have been doing something, we have still been able to maintain our individuality as a city. (Applause.)

SANTA CRUZ—Mr. Thompson, City Engineer.

Mr. Chairman and Gentlemen: I feel something like the gentlemen from Los Angeles, for when I came here I was not aware of the fact that I was to make a report. While listening to the previous speakers telling what had been done in their cities, I jotted down a few items which I thought might interest you. We have now in the course of construction an incinerator; it is a one unit incinerator, designed somewhat after the Decarie type and is nearing completion, at a cost of \$7200. We have in the past year voted bonds for school buildings to the amount of \$250,000, that is \$150,000 for a new high school and \$100,000 for the grammar schools. These buildings are now in the course of construction. During the past year we have extended our sewer system to the extent of about three miles, under both private contract and the Improvement Act of 1911. We are now sewerage another

district with three miles of sewer at a cost of \$12,000 under the Improvement Act of 1911. We also voted \$165,000 in bonds for a municipal pier, 2750 feet in length and the same is nearly completed. It will extend out to 30 feet of water, and shipping by water will be encouraged. We have just completed a \$20,000 reinforced concrete bridge of the three-hinge type. During the past week we had a charter election and instead of getting a new charter, the people voted it down two to one. Santa Cruz has, as probably some of you delegates are aware, a very good charter of the commission form. The fifteen freeholders submitted a charter under the ward system and the voters, rather than replace the automobile with the one horse cart, as it were, turned down the proposition with a very decisive vote. We have recently installed a new fire alarm system of the Gamewell type at a cost of \$8852.31.

SANTA MARIA—C. L. Preisker, City Attorney.

Santa Maria's greatest achievement recently has been in inducing the Board of Supervisors of Santa Barbara county to do \$20,000 worth of street work within the city limits. This, with \$40,000 of street work put through by the city, gives us two miles of permanent roadway from city limits to city limits running through the center of the city, and connecting with the State highway now being built on both ends. The city has also put in within the past year over one hundred center suspension street lights, and we now believe we have one of the best lighted small cities in the State.

SOUTH SAN FRANCISCO—Mr. T. A. Cunningham.

Mr. Chairman and Fellow Delegates: South San Francisco is a small municipality, four miles south of the City of San Francisco. Quite often people get confused, we are going so fast, and think we are a part of San Francisco. But we are in another county yet. South San Francisco was incorporated six years ago. At the last census, we had a population of 1900. We now have a population of over 3000. We pride ourselves on being a manufacturing center. The amount paid on freight shipments by rail alone last year was over \$1,000,000. We ship about that much by water, as well. As to the city's achievements, we think we

have done pretty well during the last year. I will agree with some of the other gentlemen here, though, that one of the greatest achievements we have made is that we have seven delegates present at this convention. We have built in the last year and have under way a complete storm sewer system, costing about \$15,000. We have just completed and accepted a sanitary sewer system of fourteen miles in length, at a cost of \$62,500. We will have completed this month about ten miles of asphaltic and oiled concrete pavement, costing over \$200,000. Our tax rate last year was 96 cents on \$100. We have, in the way of civic improvements, purchased in the last year four acres of ground on a rolling knoll overlooking the city, and are now erecting a city library, and in a short time will advertise for bids for a new city hall and high school. In addition to this, we are very proud of the fact that San Mateo county is now the leading county of the State in highways, and we have through our city the State highway, and also the new county highway which connects us directly with San Francisco, and we are patiently awaiting now for Brother Long and his people to finish part of it so we can get in. (Applause.)

SUNNYVALE—Mr. H. R. Fuller, Trustee.

Mr. Chairman and Gentlemen: Sunnyvale is a very new town. We only incorporated in December, 1912, and of course have only been working under our charter since January, 1913—a little over a year ago. This year we had an election in April, and we elected a new set of trustees under the commission form of government. We also turned over our public utilities to the State Railroad Commission. Our town is 42 miles south of San Francisco, and is in the Santa Clara county on the State highway. I would say that the six miles of State highway by our town is the first finished by the State in Santa Clara county, and it is a fine piece of work. Sunnyvale is a town of about 1200 people, and it is the youngest city in Santa Clara county. We are a manufacturing town. We have \$1,000,000 worth of factories already. We have graded our streets, and put in about five miles of most excellent cement sidewalks. We have also voted a bond issue of \$75,000—\$40,000 for a sewer system and \$35,000 for a municipal water system. The sewer system contains nine miles of sewers and is almost completed.

We are using a portion of the sewer now. Our water system consists of a private plant that we bought, and to which we are adding, and we will soon have a good municipal water supply. In addition to these public improvements, we are building a \$25,000 public school. We are laying our plans for a large population in the future. Our city is growing. (Applause.)

TAFT—Mr. C. del Bondio, Attorney.

Taft is located, Mr. Chairman, in Kern county, in the midst of one of the biggest oil fields in the world, where the oil does not only flow, but "gushes." The City of Taft proper has a population of about 3500, although but four years of age. It is surrounded, in the immediate vicinity, by a population of about 10,000. It has oiled streets, school houses, a complete water and sewer system and fire department, and, we think, being a frontier town, where the people are more or less transient, that it has done remarkably well. (Applause.)

VALLEJO—W. T. O'Donnell, City Attorney.

As one of the principal municipal achievements during the past year, Vallejo claims the authorship of a most unique and successful plan, which provides for the reclamation of the city's waterfront, by means of agreements entered into between the city and all of the private owners of the tide lands affected, whereby, it is claimed, an absolutely equitable status has been established between the city and such private owners. Through the agreements referred to the various tide land owners have obligated themselves to convey to the city by quit-claim deeds, undivided one-half part interests in and to all of the tide lands to which they claim any right, title or interest and in and to which the courts may finally determine that they have any valid title, the said conveyances being contingent upon the city's performance of certain conditions enumerated in the respective agreements. Each agreement covers from twelve to fourteen typewritten pages, preserves in a strictly equitable manner the rights and interests of the parties, and creates between the private owner and the city a mutual relationship of interest that is certain to prove beneficial to both at all times, and will serve to lessen the cost of litigation and hasten the date of settlement relative to the disputed titles in question. I shall be pleased to furnish to any interested city a copy of this agreement,

which will show in detail the entire scheme made reference to. Vallejo's tide lands are claimed by private owners through title derived by patent from the State of California previous to the adoption of the Constitution in 1879 and prior to the incorporation of the city, and a portion of the business section of the city is now located on lands held in private ownership through title derived from the same source. During the year the issuance of bonds in the amount of \$140,000 has been authorized for waterfront improvements, including the construction of over six thousand feet of a type of wooden bulkhead approved by the U. S. Navy Department, and a system of sewer extensions, and approximately two hundred acres of tide lands bordering on the bulkhead as established by the Federal Government is being reclaimed and brought to the official lines and grades of the city. Twenty thousand dollars is being expended in dredging along the waterfront, three miles of bituminous street paving laid on a concrete base has been completed, and there has been an expenditure of approximately forty thousand dollars' worth of sewer construction. To the foregoing, I may add the installation of electrolier systems in the business sections of the city, including eight blocks, at a cost of \$10,000.

VENICE—C. S. Thatcher, Clerk.

Enacting a chain-gang ordinance whereby vagrants, etc., are employed on streets, public work, etc., and the erection of a fire-proof sanitary hotel with dining room, bath rooms, etc., for housing same.

VISALIA—Mr. L. E. McCabe.

Mr. President and Delegates: Visalia is one of the most important cities between San Francisco and Los Angeles, and is located in the exact center, being, as it were, the heart of everything north, south, east and west. It is the gateway to some of the most beautiful scenery in California. It is a city of about 6000 population, thriving in every way, a city of which we are proud. In listening to the reports of other cities that have been presented here, this thought occurred to me, which I think is a good one for some of our other smaller cities. It is a common report, as the automobiles and others drive over the roads and go into the little cities of our State, that the roads leading into the city, especially after you get inside of the boundaries, are worse than the

county roads leading to the city. We had heard that so often of other cities that last year we took it upon ourselves to make all roads on the outside of our city equal to the paved streets within the business part, if we could, and our paved streets are all in good condition. To this end we have laid, in the last year, 395,000 feet of second-class pavement, known to some as the petrolithic pavement, a pavement that we did lay at about three cents a square foot, making all of the roads leading out of the city admirable roads for the purpose for which they were laid. We have also laid during the last year, for the purpose of getting our city so that there would be no place where children cannot walk to school on paved sidewalks, a large quantity of such sidewalks, 122,000 square feet being laid at an average cost of 12½ cents. We have also laid 18,000 lineal feet of curb, at an average cost of 40 cents. During the last year we have also installed a complete lighting system, one of the most modern, and we think one of the most effective possible, at a cost of something over \$15,000. We had the misfortune a little over a year ago to have burned the high school building, which had been used but a few months. Since that time we have erected and placed in commission a new high school building at a cost of about \$50,000. Our fire department has been added to by the addition of an auto fire engine. Our street department has added graders and other improved implements for the breaking up of those streets to which I have just referred. We have, within the last few months, completed plans and specifications for the extension of about five miles of lateral sewers, two and one-half miles of outfall sewer, and a new sewage disposal plant and grounds. The call for the election has been placed, which will mean about \$80,000 will be spent in the next few months in this direction. Our opera house, of which we have long since been in need, is now about completed. One of the most important things at this time with us is the selection of the necessary fifteen freeholders for the framing of a new city charter, under which we hope to be brought under the new commission form of government. That is now nearly completed, and as soon as it is completed, we will call an election to vote upon it. We have also, and I think we may consider this one of the most important things accom-

plished in our city, as it is a means by which we can get together and act together—we have made an addition to our Board of Trade. We have one of the most active Boards of Trade in the San Joaquin Valley, and in the last few months have added to that an auxiliary of all the ladies in the city, to the end that they will suggest those things that appeal to them as the most important to the city, and as the result of this, our city is today one of the most cleanly of cities. I think we can cite this last fact as one of the most important things done in our city in the last year. (Applause.)

WATSONVILLE—W. A. Trafton, Mayor.

Our city has constructed \$25,000 worth of oil macadam streets; issued \$200,000 worth of building permits; has voted bonds for \$20,000 for the construction of a bridge over the Pajaro river, and \$12,000 bonds for the purchase of a motor driven fire apparatus. Our city is steadfastly going ahead, unaffected by the general financial depression, and we hope to announce even greater progress at your next convention.

WILLITS—Mr. F. W. Taft, City Attorney.

Mr. Chairman and Gentlemen: In making a report for the City of Willits, after hearing the reports of San Francisco, Oakland and Richmond, I find that it is a good deal like asking me to pass the corn bread around after you have had your pie. The only thing I can report for Willits—and I must tell you that Willits is the metropolis of Mendocino county, and Ukiah, on the south, is one of its suburbs—is that we have during the past year laid about \$26,000 worth of cement sidewalks; we have purchased a new chemical engine, and have greatly improved the fire department in various particulars. We have built a new jail, which is modern and up-to-date, and we feel that, by the erection of this jail, much encouragement will be given to criminals—to become better citizens. We have also adopted plans and specifications for the improvement of Main and Commercial streets, the two principal business streets, by the laying of a 5-inch concrete base and placing on top of that of the skim or oil top, and the property owners have until the first of January within which to enter into contracts with the contractors, and that skim top will be accepted for a period of two years only. It is something in the nature of a test, but we trust that dur-

ing that period of time, if it proves to be substantial and what the highway engineers claim for it, we will replace it with the same kind, and if not satisfactory, then an asphalt top will be placed on it instead. (Applause.)

WINTERS—Mr. F. M. Wyatt.

Mr. President: The City of Winters is in the Sacramento Valley, thirty miles west from the City of Sacramento. It is a small town of some 1200 inhabitants. I believe our greatest achievement for the last year has been the building of about six miles of concrete sidewalk and curbing. (Applause.)

The President: Before passing on to the next order of business, I want to say here that the reports which have been made by the various municipalities today as to their progress and forward movement during the past year are certainly inspiring, and go to prove what we have always said, that the California cities are the most efficient and best governed cities in the United States. It should certainly inspire our cities to renewed efforts. I am sorry a greater number of people could not be here to listen to these reports and know what the various municipalities of California are accomplishing in the way of preparation for the vast hordes that expect to come here, and adding to the comfort of their inhabitants.

In line with the reports made, we are to have a very important session tonight, the First California Conference on City Planning. That conference brings to this place delegates from various civic and municipal bodies throughout the State, who will meet with the delegates to this convention tonight and will form the first organization devoted to city planning work, and we will listen to very interesting talks and have an opportunity to see some very interesting slides. I hope all of you here this afternoon will take advantage of the opportunity and be present tonight, because I think you will find it of very great interest as well as profit.

The next order of business is the appointment of a Committee on Resolutions. There will be many resolutions, doubtless, introduced before this body within the next two days. A motion is

in order for the creation of such a committee, so that we can go on with our work. What is the pleasure of the convention?

Mr. Frank Smith, of Oakland: I move that a Committee of Five on Resolutions be appointed by the chair.

Mr. J. J. Jessup, City Engineer of Berkeley: I second the motion.

The President: You have heard the motion, gentlemen, that the chair appoint a Committee of Five on Resolutions, to whom shall be submitted resolutions offered during the convention. What is your pleasure?

The motion prevailed unanimously.

The President: I will appoint the committee later. Has any member of the convention anything to offer at this time? If not, I call your attention to the fact that tomorrow morning at nine o'clock the Department of Engineers, Councilmen and Street Superintendents will convene in this hall, and the Department of City Attorneys will convene at the same hour, as will the Department of Clerks, Auditors and Assessors, for whom rooms have been provided, as you have probably already noted.

Mr. Jessup: I would like to meet all the city engineers, present at this time, immediately upon the adjournment of this meeting in this room, if I may, Mr. Chairman.

The President: Certainly. The engineers will gather at the table at the close of this session. Has the Secretary or Assistant Secretary any announcements to make at this time?

Mr. Loeke: At the recent meeting of the Executive Committee at San Francisco, it was decided to ask the various city clerks to bring their various record or accounting books to this convention, for the purpose of exhibiting them in a friendly competition and rivalry. It was planned to have a committee appointed by the chair to view the various books on exhibition, and make an award in the way of an engrossed certificate to the clerk, auditor, or assessor who exhibited the best kept record or account book, or whatever it might be. I understand that some of the clerks have brought their books with them for this purpose, and I would therefore suggest

at this time that the chair take under consideration the appointment of a proper committee to serve for that purpose.

The President: If there is no objection, it will be so ordered, and the chair will select such a committee, calling for a report later on in the session, as to the character of the work submitted. Is there anything further to come before the gathering this afternoon? If not, with the renewal of the suggestion that all of you be present here this evening for the very interesting session which we expect to have, I declare a recess until tomorrow afternoon at two o'clock.

REPORT OF THE COMMITTEE ON RESOLUTIONS.

Mr. Greene: The Committee on Resolutions begs leave to report to this convention that the recommendation of the committee is that the following resolutions do pass and be adopted by this convention:

"Whereas, The University Extension Division of the University of California has established a Bureau of Municipal Reference for the use of city officials, and

"Whereas, Said bureau is and will be a valuable agent in aiding city officials to raise the standard of city government in California;

"Therefore be it Resolved, That the League of California Municipalities pledge its support at the next session of the Legislature to a University Extension Appropriation Bill which shall enable the University Extension Division to expand and develop its educational activities among the people of California in general and the city officials in particular."

The President: Gentlemen, what is your pleasure? Shall we act upon the resolutions as they are presented or upon the report as a whole?

Mr. Locke: I move that we act upon them as they are read.

The President: If there is no objection, it will be so ordered. What is your pleasure with reference to the resolution just read?

Mr. Greene: I move its adoption, Mr. President.

The motion was seconded and carried unanimously.

Mr. Greene: The next resolution is as follows:

"Resolved, That it is the sense of the League of California Municipalities that the term of office for city clerks, auditors and assessors should be four years and that the Legislative Committee of this League is hereby directed to take necessary steps towards legislation accomplishing the results desired."

Mr. Turner: Mr. President, I move the adoption of the resolution.

Mr. Locke: That is in conflict with the action taken by the Department of City Attorneys, or rather the recommendation was made by them to the effect that the office of city clerk be made appointive, in which case this resolution would not be proper. I therefore move that the resolution just read be laid upon the table.

The motion was seconded and carried unanimously.

Mr. Greene: A resolution of the Department of Public Health, reading as follows:

"We, the Department of Public Health of the League of California Municipalities, now in session assembled, hereby endorse the general principles of the plan of organization of the Public Health Work of California as contained in the paper presented by Mr. B. D. Marx Greene, of the City Attorneys' Section of the League of California Municipalities, and request the endorsement of the general principles of the said plan by the League of California Municipalities."

Also a subsequent resolution introduced by the Committee on Resolutions, as follows:

"Resolved, Whereas, This body has received from the Department of Public Health of the League of California Municipalities a resolution endorsing the general principles of the plan of organization of the Public Health Work of California as contained in a certain paper heretofore presented to the said Department of Public Health and to this organization, and

"Whereas, Said Department of Public Health has requested this organization to give to said general principles of said plan of organization, its endorsement, now, therefore,

"Resolved, That the League of California Municipalities in convention assembled at Del Monte, October 14, 1914, does hereby endorse the general principles of the plan of organization of the Public Health Work of California as contained in the paper heretofore presented to this body during this session, and

"Resolved further, That in accordance with a request heretofore submitted to this body by the said Department of Public Health the said paper be, and the same is hereby referred to the Committee on Legislation of this League to act in conjunction with the committee heretofore appointed by said Department of Public Health for the purpose of obtaining legislative action upon said plan of organization."

Mr. Locke: I move the adoption of both resolutions, Mr. President.

The motion was seconded and carried unanimously.

Mr. Greene: The next is a resolution petitioning the University of California to offer courses of possible study in city planning, reading as follows:

"Whereas, The need for city planning and forethought is very necessary to all the cities of the State of California, and

"Whereas, With the opening of the Panama Canal, the increase in population in these cities is bound to be very rapid and therefore congestion is liable to take place, requiring unusual forethought and deep study to properly guide the growth of these cities for the

health, comfort and convenience of these citizens; now, therefore, be it

"Resolved, That the League of California Municipalities in convention assembled at Del Monte, California, October 14, 1914, do respectfully petition the president, faculty and regents of the University of California to establish at the earliest possible moment, courses in city planning and housing, and that the University be further requested to encourage and stimulate all possible research and investigation into this new and important division of municipal research; and be it further

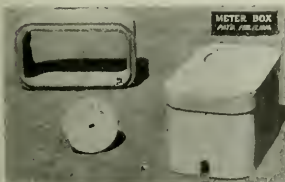
"Resolved, That the thanks for this conference be expressed to the University, and particularly to the Division of University Extension and the Bureau of Municipal Reference, for their valuable assistance and cordial auspices in arranging this conference with the League of California Municipalities; and be it

"Resolved, That the Secretary is instructed to send a copy of this resolution to the President of the University and Dean of the Faculties, Board of Regents, the Director of the University Extension."

Mr. Locke: I move the adoption of the resolution, Mr. President.

The motion was seconded and carried unanimously.

Mr. Greene: There is one further resolution on which the committee makes no recommendation for its adoption. However, it does advise that the same be referred to the Legislative Committee for investigation. It is a resolution endorsing the movement for a State Art Commission, and petitioning the next Legislature to establish such a permanent body.



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CITY MANAGER PLAN OF MUNICIPAL GOVERNMENT

By PAUL E. KRESSLY, City Manager of Inglewood

EDITOR'S NOTE.—Inglewood, a small city near Los Angeles, was the first municipality in California to inaugurate the "City Manager" form of government. The system was adopted in Inglewood by ordinance on March 2nd, 1914, with Mr. Kressly as manager. That the plan has proved a success is demonstrated by the fact that during the past seven months Inglewood has accomplished more work and achieved better results at a saving of about thirty per cent. (30%) in cost. Here is something for other cities to think about.

Mr. Chairman and Gentlemen: It has just been stated by our President that the city manager plan of government is new. So it is, and we are the first to try the city manager plan in this State. I have had about seven months' experience. In writing my paper, I have subdivided it into two parts. First I will discuss the theoretical city manager plan, and then I will give you the practical results, so far as my own experience goes.

Sweeping innovations in American city government seem to have their origin or gain their impetus in the administrative weaknesses which are made evident by floods. Thus, the commission plan originated in Galveston, in 1901, after the flood of the previous year, and similarly the city-manager plan, already adopted by a few small cities and towns, suddenly came into nation-wide prominence when it was accepted as a fundamental modification of the commission plan at Dayton, Ohio, after the floods of 1913.

The commission form of government has spread with surprising rapidity through the United States and a peaceful revolution, in over three hundred cities has swept away the boards of aldermen, mayors, and a host of minor officials and has set up new municipal governments on a plan so simple, that the services of the "political boss" are not required to direct them. The whole nation looks on with amazed enthusiasm, while the people in these towns not only get control over their government, but keep it, election after election.

The commission form of government has placed into the hands of the people an effective instrument of control;

a governing organization which is continuously exposed to the full glare of public opinion, which really came from the voters, and which was sincerely anxious to obey them. While this form of government is a vast improvement over the form in general use up to seven or eight years ago, there is unquestionably room for still more improvement. In some of the cities it has proved very successful, while in others it has been a complete failure. This must not be regarded as a defeat in the form of the government, but rather due to the inefficiency of the members composing the commission. In some of these cities where the commission government has superseded administrations which were not so thoroughly inefficient, and where there was not quite such a broad opportunity for improvement. It is in such cities where the weaknesses of commission government are beginning to appear in a very striking way. Take for example, Wichita, Kansas, where as everywhere else, the commission plan was hailed five years ago as a "business plan" of city government which would settle all the difficulties under which the town had been laboring. Recently the commission in this city has authorized the issue of \$88,000 in five year bonds to cover current deficiencies. After four years of the new rule, that does not look like good business. A little searching into the local situation reveals certain things which are directly or indirectly responsible for this condition.

One of the members of the commission is an ex-street laborer. This, of course, is an honest calling, but can one be sure that it gives a man quite the preparation for managing one of the departments of a city as important as Wichita? There was doubtless excellent reason for electing him, for the labor people had an unquestionable right to select one of their men to represent them in a city's governing body. The man in question had a reputation for integrity and honesty, but even com-

mission government has not made him a good business manager.

Here, then, is one trouble with the commission plan which the Wichita incident brought out in a graphic way: It is only by accident that you can secure five men who will be at the same time perfect representatives of a recognized division of the people, and at the same time properly equipped for administrative service.

If these are illustrations of the weakness of the commission form of government, what then, is the substantial and permanent contribution of commission government to the city problem? The one great thing it has done, is to demonstrate beyond a shadow of a doubt the wisdom of giving over to a single elective governing body all the municipal powers. It has given the people a workable instrument, so far as general regulation is concerned, but it has failed to give the governing body the means with which to translate the general will of the people into detailed acts of government in the most effective way. **A five-headed government carries with it the possibilities of friction, which leads to inefficiency, which in turn, leads to waste and even corruption. Furthermore we can not secure municipal experts by the process of popular election.**

Commission government in the old sense, then, is a five-headed affair. It is not always intended to be such, but it is so regarded by the average citizen, and so it works out in practice.

The city manager plan does away with this five-headedness of municipal administration and substitutes a single head, not with advisory powers merely, but, with certain safeguards, with the powers of administrative "life and death" through actual control of appointments and removals.

The chief executive or city manager is not an elective officer, but is appointed by the council; **he therefore does not divide responsibility with the council, but is subordinate to it;** he need not be, at the time of his appointment, a resident of the city, but may be chosen from anywhere in the country; he is not chosen for a definite term, but

holds office so long as he gives satisfaction to his superiors.

The controlled-executive plan filters everything through a group. It reduces the personal equation. Without loss of administrative unity, it abolishes one-man power.

This plan corresponds to the general manager under the board of directors in a business corporation. It gives the stability of the combined judgment of many men on matters of policy, but leaves execution to a single-headed controlled executive establishment.

A city ought to have one government, not several. Pulling and hauling, deadlocks, friction and delays, trading influence and the need of a boss to hold the ramshackle together and make it progress—all result from two-headed government.

For the highest efficiency we must put the chief administrative official, as well as the subordinate officials of the same sort, on a professional basis, which means simply, that we must leave his selection and his indefinite retention to some person or body that is in a position to examine his work closely and therefore judge of it intelligently, and that we must also take the matter out of politics not by incessantly harping on the desirability of doing so, but by relieving him of all except purely administrative duties. That is not saying, you will notice, or even implying that "the people cannot be trusted to choose" the chief administrator; it is implying merely that they are not in a position to do so to advantage, and that if the official in question is given the veto and other policy-determining functions, neither the people nor anybody else can be expected, no matter how well they realize the advantage of experience in administrative work, to do anything but oust him as often as his opinions are not in conformity with those of the majority. We can have the highest efficiency in city government as soon as we are ready to take steps obviously necessary to get it.

Thus the council is the most stable basis for the managership to rest on. Moreover, if the city manager is not to be elected by all the voters, and if he

is to be kept in office indefinitely so long as he is satisfactory to those who appoint him, as is required in the interest of efficiency, it is obviously important, in the interest of democracy, to entrust his appointment and his retention to the one body in the government that can be made truly representative of the whole electorate. Then efficiency and democracy, the two fundamental requirements of the ideal city government, from a theoretical point of view, are satisfied by the city manager plan, and accomplish all that its advocates maintain.

Whether this theory works out in practice is a question in which we are all interested, and it is that part of the subject that I will now take up and give you some practical information from my own experiences as city manager of Inglewood for the past seven months, having been appointed on March 2nd of this year. Before proceeding further I will read that section of the ordinance which defines my duties and powers as follows:

1. To see that the laws and ordinances of the city are enforced.

2. To exercise control over all the departments of the city and direct the work of all appointive officers.

3. To employ and dismiss all city employees.

4. To superintend the construction of all public work within the said city.

5. To approve or disapprove the requisition for the purchase of any article or articles for the said city by any department or officer, before the purchase is made.

6. To attend all meetings of the Board of Trustees and to recommend to the said Board for adoption such measures as he may deem necessary or expedient.

7. To keep the Board of Trustees fully advised as to the financial conditions and needs of the city; and

8. To perform such other duties as may be prescribed by ordinance or resolution of the Board of Trustees; provided, however, that any and all acts of the said city manager under this ordinance, shall be subject to the approval and control of the Board of Trustees of

the City of Inglewood, and they shall have full power to correct and set aside any action taken by him under this ordinance whenever they shall deem it proper to so do; and provided, further, that the Legal Department of said city and City Attorney are hereby expressly excepted from the operation of this ordinance.

The duties and powers being thus defined, now arose the question—What plans are to be adopted and what methods are to be followed to insure the success of my administration?

The plan of selection I outlined was actuated by two ideals—efficiency and economy. These were the basis upon which the superstructure of my organization was erected.

I determined that the requisites of all employes should be efficiency, economy and loyalty. That all employes who possessed these qualifications should be retained regardless of their political faith.

With the requisites thus set forth, I proceeded to formulate plans and analyze the problems that confronted me, to find the best way, not by judgment alone, but by careful, thorough and painstaking investigations of all the details of the various departments, thereby familiarizing myself in a general way with their work and which would enable me to at once detect any inefficiency and correct the same by setting up tentative standards of performance, by better methods of performance, by inducing them to attain these standards, or equipping them with a clear, complete and exact knowledge of the best and most expeditious way of doing the work with the least possible expenditure of material, capital and labor.

In all public work we are confronted with an idea that is grounded in the minds of most men that they are not required to do as much work as for a private corporation; that they need not take any particular interest in their work; that working hours need not be observed; that they can be absent from work, and at the same time receive full wages; that they can waste materials and supplies, because the city pays for

them. They labor under the pretext of the old political saying, "to the victor belongs the spoils," and are therefore justly entitled to be given employment irrespective of the quality or quantity of the work performed, or of their value and worth to their employers, or interest taken in the business affairs of the city.

On account of having served as city engineer for several years, I was familiar in a general way with the weaknesses of the various departments, and was therefore in a position to devise measures which would eliminate these ideas and practices, by requiring all employees to strictly observe office hours, to get permission before leaving their regular duties, that no supplies, materials, machinery, tools, etc., could be purchased without an order signed by the City Manager, and by requiring all employees to fill out daily time cards, showing the number of hours worked, together with a description of such work and the correctness thereof verified by the O. K. of the head of the department, and turned in daily to the City Clerk. These rules are strictly enforced and it is impressed upon the minds of all employees that their indefinite retention in office depends solely upon the efficiency and skill with which their work is performed.

Formerly there was a great deal of waste in the purchasing of supplies, due to a lack of a proper system. Employees would purchase supplies regardless of cost, and have it charged to the city, and when the bills were presented, frequently no one remembered the purchase. This was a very inefficient method and gave the City Clerk no opportunity to check the amounts and charge them to the proper account. Furthermore, supplies and materials were purchased whether they were needed or not, and the various departments continued incurring expenses by purchasing supplies, machinery, etc., until the city treasury was drained.

This condition was controlled by the adoption of a budget, thereby limiting the expenditures of all departments within the actual revenues of the city, and requiring departments to submit at the end of every month a detailed report

which enables me to closely follow the activities of all departments. An accounting system was installed which provides balance sheets of all accounts, thus enabling the City Clerk to furnish me with a complete report of all departments at any time. **In the departments where it was practical a unit cost system was installed for the purpose of comparison, and fixing standard methods of performance.**

I wish to call your attention to another important change I introduced in the matter of handling complaints. Formerly, when a citizen objected to something done by a city officer, he would go to one of the trustees and complain, frequently with the injunction that his name was not to be mentioned; then the trustee would bring the matter up at a board meeting, and the official, not knowing who made the charge, would be in a very bad position when it came to defending himself. I made a ruling that all complaints of any nature must be made in writing, containing the signature of the complainant, so that the employee will have full knowledge of all details of the charges and can therefore defend himself properly. This procedure has reduced the number of complaints to a minimum, and it makes the employees feel that they are receiving a square deal and causes them to take a greater interest in their work than if they are continually subjected to unjust criticism.

In order to develop harmony and departmental co-operation, I have arranged for regular conferences to be held with the heads of the various departments, where all important matters are considered and the programs and activities of each department are discussed and planned.

These conferences have aroused the interest and enthusiasm of every employee, and today there is not one but what is striving to place the business affairs of our city on a higher plane, and to give you an idea of our success, I will read the percentage of reduction in the expenditures of the various departments under the city manager plan for the past six months compared with

the expenditures for the same period during the past three years, as follows:

Printing and supplies, a saving of 31%.

City hall maintenance, a saving of 24%.

Fire department, a saving of 29%.

Police department, a saving of 21%.

Street cleaning, a saving of 37%.

Recorder's department, a saving of 30%.

Street maintenance and repairs, a saving of 28%.

The revenues of the city have been increased considerably by enforcing ordinances and by greater vigilance with peddlers, etc.

Some of the most important being:

Peddling licenses, an increase of 12%.

Dog licenses, an increase of 72%.

Fines for speeding, an increase of 35%.

Receipts from renting out road machinery have averaged \$90 per month.

The building, plumbing and electrical inspector formerly received all fees collected. I have placed this official on a salary and the receipts of this department now add a substantial amount to the revenue of the city.

A question frequently asked is, whether local public work can be constructed as cheaply and efficiently by city government as by private corporations.

In my opinion this question depends in no small measure upon the form of municipal government and its operation in practice. Where it is the chief object of the city administration to find berths for labor that has passed its zenith of usefulness in other fields, or when the men are not trained for the positions they are filling, then the city government can not compete with the private corporation, but when the chief object of the administration is to employ only trained, able-bodied men, who can perform a day's work and give the city a dollar's worth of work for every dollar they receive in wages, then the city can compete with private corporations and should by proper management do the work cheaper.

That this theory is correct can best be demonstrated by relating one of my

own experiences. The floods last spring caused the washing out of a culvert and a twenty-two foot fill on one of our main thoroughfares. To replace the same required 2,240 cubic yards of fill, average haul 300 feet, 115 lineal feet of 60 in. dia. No. 12 gauge galvanized corrugated iron pipe, 16 cubic yards of concrete, 110 lineal feet of curb, and 165 square feet of gutter. The lowest bid received from the contractors for executing the work was \$1,712.00. **Bids were rejected and I proceeded to construct the work in question with the city's force at a cost of \$1,395.60, thereby saving the city \$316.40, plus the wages of an inspector, besides giving employment to residents of the city.**

With the city manager plan of municipal government many things are possible, because he can keep operating departments running in harmony, cutting out waste of time and effort. The various city departments can be made to assist each other in numerous ways. Take, for instance, the street superintendent and city engineer, where heretofore these two departments were distinctly separate, they are now consolidated into one. So that the engineer who designs the work can also supervise the construction of the same and appoint his own inspectors. The result is better work in every respect, and the engineer can see that his designs are properly executed. This procedure is especially effective in small cities where the salary of the street superintendent is usually not sufficient to obtain the services of a competent man, who is qualified to supervise the construction of new improvements, but sufficiently qualified to supervise the cleaning, maintenance and repairs of streets, etc., under the direction of the engineering department.

Thus far I have discussed in a general way the methods and systems designed for the efficient and economical administration of the city's business and the success resulting therefrom, but I have failed to discuss that part of our government which is weak in certain respects, although it is not within the power of the board of trustees to correct the

same at this time. This apparent weakness is that the city clerk is elected instead of being appointed by the city manager, although we are fortunate in having an ideal city clerk at the present time, but what will be the result, when his term expires and the voters should elect an incompetent man for this important position? The city clerk is an official who should be appointed by the city manager, so that if he is a competent man he can be retained in office; if, on the other hand, he is elected by the people, he may work in harmony with the city manager or not, as he may see fit. He cannot be removed by the board of trustees or the city manager, and without his co-operation the city manager cannot succeed. It is an office that requires intelligence, care and clear judgment and should be in the hands of a competent man. But we cannot expect to attract the services of a man qualified in every respect, without paying a substantial salary. I consider it false economy to sacrifice efficiency for the sake of saving a few dollars in salary. When men develop efficiency the cities can well afford to pay them, and in the end it will prove a profitable investment. This applies to the employees in every department.

I have frequently been asked the question: From what profession or calling shall this important position of city manager be filled? My answer would be, that it should be a civil engineer, preferably with municipal experience, and should also possess the additional qualifications of an economist, a financier and have executive ability. And in answering in this manner I felt that I was fully justified in favoring the members of my profession because they are recognized as an important factor in municipal administration. How important the city manager appeared in the minds of officials and citizens of Dayton, Ohio, and how determined they were to have an engineer of high standing and how willing they were to pay for his services, have all been given wide publicity by securing the services of Henry M. Waite, then city engineer of Cincinnati, to fill this position at no paltry compensation. What other profession has men who are

better qualified as municipal experts than the engineering profession? Are not the members of the engineering profession, in the course of their education, field work and research work peculiarly qualified for executive duty, developed by their training and experience?

Engineering is perhaps as much a matter of common sense as of education, and the engineer to succeed must have both. Therefore a capacity to get at the facts in any case, supplemented by good judgment, are predominating traits, characterizing this profession more prominently as essentials than is the case with any other profession or calling.

Before dismissing this subject, I cannot refrain from touching upon another point not mentioned, and that is, whether even those American cities which have progressed as far as the city manager plan, have yet got far enough away from past traditions and practices to keep any one city manager long enough in office to give either him or the plan a fair test.

In conclusion, I wish to express the hope that some of the cities who have adopted the city manager plan of municipal government will give it a fair trial and I feel certain that they will have the phenomenal success attained by our private corporations which operate under this form of organization.

The Secretary: Mr. President, I would like to ask Mr. Kressly a question, with the permission of the chair.

The President: Yes.

The Secretary: Mr. Kressly, there was another feature of this that you did not speak of particularly. With your experience, and serving as city manager for a small city—by the way, what is the population of Inglewood?

Mr. Kressly: About 5000, I think, or probably a little over—

The Secretary: (Continuing) Would it not be possible for a number of small cities to unite and have one city manager to supervise them all?

Mr. Kressly: Why, yes, Mr. Mason, it seems to me that it could be done, provided that he would not have any other duties imposed upon him—I mean duties outside of those of being city

manager. In my case, I am still city engineer.

The Secretary: In other words, even with your present duties to perform, that is, if you could be relieved of a portion of the routine duties necessary you could act, could you, for additional municipalities?

Mr. Kressly: I could.

The Secretary: Without sacrificing any degree of efficiency?

Mr. Kressly: Yes, I could.

The Secretary: I bring this point out, Mr. President, for the purpose of calling to the attention of the delegates present the possibility of securing the city manager plan for a number of small cities that are conveniently located to each other, cities of from a population of 1000 to two or three thousand or 5000. They might by agreement unite on this plan. It is the plan of the German cities, where a burgomaster serves as burgomaster for half a dozen municipalities.

TITLES OF NEW ORDINANCES RECEIVED

NOTE.—These ordinances will be loaned to any city or county official in California or to any of the city officials of Oregon, Washington or Idaho, upon application to Pacific Municipalities, Pacific Building, San Francisco, accompanied by a self-addressed stamped envelope, upon condition of their prompt return after using. City attorneys are urged to make free use of this service.

Traffic on Streets, regulating. Taft, 6-B and D. Venice, 7-A. Orange, 8-F.

Pavement Under Construction, to protect. Santa Ana, 6-C.

Electric Railway Franchise, granting. Benicia, 6-E and 8-D.

Intoxicating Liquors, regulating the dispensation to persons under twenty-one. Albany, Cal., 6-F.

Sewer Connections, requiring, prohibiting the use of cesspools, etc. South San Francisco, 7-B.

Dedication of Street, accepting. Albany, Cal., 7-C.

Official Base for Street Grades, establishing. Albany, Cal., 7-D.

Gasoline, Benzine, Etc., regulating the storage and use of. Venice, 7-E.

Gas Distributing System, granting franchise for. Long Beach, 8-A and 12-E.

Handbills, Etc., prohibiting the posting and scattering of. Paso Robles, 8-B.

Closing of Certain Streets, ordering. Oakland, 8-C.

Residence District, creating. Burlingame, 8-E.

Speed of Vehicles, regulating. Redondo Beach, 8-G.

Intoxicating Liquors, regulating the dispensation of. Sacramento, 9-A.

Public Dance Halls, providing for the licensing of and regulation of. Sacramento, 9-B.

Food Stuffs, regulating production, care and sale of. Redondo Beach, 9-D.

Waterfront Lands and Improvements, providing for the improvement and maintenance of and maintaining of docks and wharves. Oakland, 9-E.

Industrial and Residence Districts, dividing the city into and governing the regulation of certain industries therein. San Mateo, 10-A.

Muzzles on Dogs, requiring. Coronado, 10-B. Sacramento, 11-B.

Paving of Streets, adopting specifications for. Huntington Beach, 10-C.

Police Department, regulating the organization of, defining duties and fixing compensation. Sacramento, 11-A.

Cocaine, Opium and Morphine, making possession unlawful. Sacramento, 11-C.

Electric Signs, prohibiting connection without permit. Sacramento, 11-D.

Building Inspector, increasing duties. Sacramento, 11-E.

Gas or Electric Meters, making it unlawful to possess any contrivance for preventing the correct registration of. Oakland, 12-A.

Lights on Vehicles, requiring. San Mateo County, 12-B.

Office Hours for City Officials, establishing. Burlingame, 12-C.

Curb and Sidewalk Lines, establishing. Rio Vista, 12-D.

Corrugated Iron Culverts, adopting specifications for. Huntington Beach, 13-A.

Piers, Wharves and Lands, establishing rules and regulations for. San Diego, 13-B.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Dedication. (Cal. App.) Offer of a landowner to dedicate a highway and its acceptance by the public may be manifested in any number of ways, indicating an intent to dedicate and to accept. *People v. Laugenour*, 142 P. 888.

In the rule that a municipality cannot dispose of property dedicated to public use, the term "dedicated" means devoted to a use; appropriated; given wholly to. *Palmer v. City of Albuquerque*, 142 P. 929.

Sec. 51 (Cal. App.) Where a highway as dedicated was of specified width, the fact that the main travel was customarily confined to narrower limits, and that the sides of the road were otherwise used for agriculture, did not show an intention to revoke the dedication or limit the width of the road to the track customarily traveled. *People v. Laugenour*, 142 P. 888.

The laying out of a highway on a plat of a tract of land, subdivision thereof, the recording of a map, and the use of the land by purchasers of lands in the subdivision for 20 years, held to constitute a valid dedication, though travel was partly cut off by gates at either end, and the land was used for agriculture.—Id.

Elections. Sec. 188 (Cal. App.) In view of Pol. Code, Sec. 1205, ballots marked merely with the surname of a candidate at a recall election will be counted in his favor, where the candidate was the only one of that name, and the only other persons of that name in the locality were members of his family, who were not seeking the office. *Fitzsimmons v. Wilks*, 142 P. 892.

Sec. 293 (Cal. App.) While the intent of a voter must in the first instance be ascertained from the ballot, the ballot, if ambiguous, must be construed as any other paper writing, and hence evidence of the surrounding circumstances is admissible. *Fitzsimmons v. Wilks*, 142 P. 892.

Indebtedness. Sec. 865 (Wash.) In determining whether the indebtedness of a municipality exceeds the limit fixed by Const. art. 8, sec. 6, delinquent taxes should be treated as cash assets, and may be deducted from the total indebtedness. *Seymour v. City of Ellensburg*, 142 P. 875.

Loans from the general fund to solvent improvement districts in a municipality may be treated by the municipality as cash assets in determining whether its indebtedness exceeds the limit fixed by Const. art. 8, sec. 6.—Id.

Under Rem. & Bal. Code, Sec. 7687, municipal warrants, which do not specify for what purpose they are drawn, cannot be treated as valid obligations of the municipality, in computing its indebtedness, to determine whether it has exceeded the limit fixed by the Constitution.—Id.

Meters—Const. art. 11, sec. 19, art. 14, sec. 1, and Stat. 1881, p. 54, held to authorize a city to compel water companies furnishing its inhabitants with water to install meters to measure the service at their own expense.

Under Const. art. 11, sec. 11, Civ. Code, sec. 549, and Municipal Corporation Act, sec. 862, subd. 14, a city of the sixth class may require a mu-

municipal water company to furnish service connections and meters at its own expense and forbid companies to charge for meters. *Title Guaranty & Trust Co. v. Railroad Commission of Cal.*, 142 P. 878.

Negligence—Sec. 705 (Wash.) While one crossing a street is bound to exercise due care for his own safety, dependent on circumstances, he is not bound, as a matter of law, to stop, look, and listen. *Mickelson v. Fischer*, 142 P. 1160.

Plaintiff who alighted from a street car, and, seeing no approaching vehicle on her side of the car, started to cross to the opposite side of the street, when she was struck by an automobile which had passed behind the car and was approaching on the left side of the street, was not bound to anticipate that a vehicle would be approaching, contrary to the law, on that side of the street. *Id.*

Driving automobiles on the streets of a city, in violation of city ordinances defining the rights and duties of drivers of such machines, constitutes negligence per se. *Id.*

Sec. 705 (Wash.) While one may drive on any part of a street, if he violates the law of the road, or an ordinance in that respect, he must exercise a higher degree of care than otherwise, and his failure to observe such law or ordinance, resulting in injury to another, is negligence per se. *Moy Quon v. M. Furuya Co.*, 143 P. 99.

Negligence—Sec. 852 (Kan.) A city operating an electric light plant owes the highest care to avoid injury to its patrons. *Hinze v. City of Topeka*, 142 P. 947.

Notice to a commissioner of a city operating an electric light plant that there was something wrong with the electricity in a building near plaintiff's meat shop, the current in both buildings being controlled by the same transformer, made it actionable negligence for the city not to prevent an injury to plaintiff in his shop two or three hours later from a defect in such transformer. *Id.*

Nuisances—Sec. 747 (Okl.) A municipal corporation held immune from liability for the acts of the street commissioner in removing a building which constituted a public nuisance. *Cummings v. Lobsitz*, 142 P. 993.

Under Comp. Laws 1909, c. 7, a municipal corporation may remove or destroy a building constituting a public nuisance, when necessary in order to abate same, even though the nuisance consists in the building being in a condition dangerous to the safety of the public or adjacent property. *Id.*

Pensions—Sec. 187 (Cal. App.) Oakland City Charter, Secs. 94, 95, providing for pensions to aged and disabled police officers, held not to exclude from the benefits conferred by section 96, subd. 2, providing for death benefits, members of the family of an officer who had been retired on pension during his lifetime. *Mackey v. Mott*, 142 P. 1082.

Recall Petition—Sec. 124 (Wash.) A petition for the recall of a councilman of the city of Tacoma did not contain the number of signers required by Const. art. 1, secs. 33, 34, where it was signed by less than 25 per cent estimated on the basis of the votes cast at the next preceding election at which councilmen were elected for such city, though it was signed by more than 25 per cent, taking as a basis the number of votes cast at a prior election at which he was elected. *Mills v. Niekeus*, 142 P. 1145.

In determining whether a petition for the recall of a municipal officer contains the number of signers required by Const. art. 1, secs. 33, 34, the votes cast at the election next preceding the filing of the petition with the city clerk must be taken as the basis, though formal charges against the officer were filed with the clerk prior to such election. *Id.*

Statutes—Sec. 194 (Cal. App.) Statutes should be construed so as to give effect to the legislative intent and the rule of ejusdem generis cannot be used to overthrow such intent. *People v. Strickler*, 142 P. 1121.

Sec. 206 (N. M.) A statute should, if possible, receive such reasonable construction as will make all its parts harmonize with each other and render them consistent with its scope and object. *Chetham-Strode v. Blake*, 142 P. 1130.

Street Assessments—Sec. 365 (Wash.) There being a substantial compliance with a contract for a public improvement, acceptance of the work by the city, in opposition to the opinion of some of the property owners, does not amount to fraud. *Mueller v. City of Vancouver*, 142 P. 868.

A city council having discretion in the matter of accepting work for a public improvement, and the right to decide, their acceptance cannot be reviewed by the courts, unless something different from what was contracted for is accepted, or the defects in the work are so open and notorious that the city must be presumed to have taken notice of the nonfulfillment of the contract. *Id.*

Sec. 330 (Wash.) An assessment for street improvements made under a contract involving the use of a patented article held not invalid under Local Improvement Law, Sec. 59, requiring that such contracts be let on competitive bids, where the owner of the patent agreed that it would furnish the patented article to the successful bidder. *Great Northern Ry. Co. v. City of Leavenworth*, 142 P. 1155.

Taxation—Sec. 347 (Okl.) Whatever property is worth for the purposes of income and sale it is worth for the purpose of taxation. *In re Indian Territory Illuminating Oil Co.*, 142 P. 997.

Water Service—Sec. 203 (Cal.) A franchise giving a water company the right to furnish water to the inhabitants of a city and to lay mains requires it to furnish service connections free of charge. *Title Guaranty & Trust Co. v. Railroad Commission of California*, 142 P. 878.

Under Civ. Code, sec. 549, water companies furnishing water to the inhabitants of a city or town, while enjoying their franchise, are bound to furnish service connections without charge to consumers, and cannot avoid such duty by showing that their articles of incorporation did not give the authority to engage in the service. *Id.*

Since a city of the sixth class, organized under the general Municipal Corporation Act, had power to regulate rates and service by water companies furnishing water to its inhabitants, such authority could not be exercised by the railroad commission under Const. art. 12, sec. 23, as amended (see St. Ex. Sess. 1911, p. xlviii), prior to its delegation by the city to the commission pursuant to an election. *Id.*

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∴ What Our Pacific Coast Cities Are Doing ∴

Aberdeen (Wash.) has been petitioned for sluicing of portion of Hilly street.

Albany (Cal.) is contemplating the calling of a bond election for a new school.

Arcadia has voted \$131,250 for the construction of a water works system.

Astoria (Ore.) commissioners have voted for the extension of the pressure mains into Taylor's Astoria.

Azusa has passed resolution of intention for the construction of 28 concrete and iron culverts on most of the streets running north and south.

Bakersfield will receive bids November 4 for furnishing fuel oil for the court house.

Benicia has passed an ordinance calling an election to vote \$10,000 bonds for street improvements.

Burlingame is about to purchase 500 feet of fire hose.

Calxico is having plans prepared for filter beds, and having the settling basins improved.

Eagle Rock will hold a special election November 13 to vote \$60,000 bonds for purchasing site and erecting school buildings. Bids were received October 8 for constructing sidewalks and lineal curbing. On October 5 bids were received for grading and oiling Eagle avenue.

El Monte will receive bids November 6 for 600 feet of 2½-inch fire hose; also for one two-wheeled hose cart.

Eugene (Ore.) the County Court has been asked for drainage district to embrace about 50,000 acres at cost of \$300,000.

Fresno has plans completed for new school on Jefferson street at cost of \$30,000. Bids were received October 23 by City of Fresno School District for the construction of a 13-room school building. Discussion of the proposed electrolier system has been postponed to the near future.

Glendale received bids October 19 for improving portion of Broadway by grading and the construction of asphalt pavement and cement curbs and gutters.

Glendora has voted \$37,500 bonds for a distributing system. Bids will be received

November 9 for improving portion of Meda avenue by the construction of curbs, gutters, sidewalks and culverts.

Hermosa Beach has voted \$5000 bonds for better fire protection; also \$10,000 bonds for a new city hall.

Holtville has voted \$30,000 for the construction of a sewage system.

Huntington Beach has passed an ordinance for grading and paving a number of streets and for the construction of corrugated iron culverts.

Kingsburg is contemplating the construction of an electrolier system. Trustees have ordered the improvement of portion of Magnolia street by grading, macadamizing and oiling.

Lewiston (Idaho) has taken steps to secure data relative to the construction of a dam and power site on Clearwater river.

Long Beach will receive bids November 4 for improving portion of Myrtle avenue by grading. Bids were received October 21 for improving alleys running through Blocks 78, 66, 91 and 53, by paving with concrete asphalt.

Los Angeles Board of Education will receive bids November 4 for one vacuum cleaner. Bids were received October 13 for installing and maintaining an addition to the street lighting in the Lankershim Lighting District. On October 19 bids were received for furnishing and maintaining lighting system in Burleigh Lighting District. October 13 bids were received for improving portion of Thirty-ninth street by the construction of curbs and sidewalks. On same date bids were received for improving portion of Casanova street by oiling, grading, curbing and sidewalking. On October 14 bids were received for furnishing two motor propelled tractors. October 5 bids were received for improving 3.4 miles of road in Road District No. 70.

Los Gatos received bids October 5 for improving roadway on San Jose avenue by paving and grading and for the construction of curbs, drains, gutters, culvert and catch-basins.

Madera is in the market for a \$5500 motor

driven fire engine. A committee has been appointed to make the selection.

Marysville citizens are agitating the subject of good roads through the mountain section.

Merced is contemplating the calling of an election for waterworks. Bids will be received November 11 for remodeling, repairing and rewiring court house and installing heating plant in jail and court house.

Monrovia will hold an election to vote \$15,000 for street work. Bids were received October 19 for improving portion of Maple avenue by the construction of cement sidewalks and curbs. City Engineer is planning on about five miles of street work in the near future. Citizens are planning improvement of city by electroliners.

Montesano (Wash.) is contemplating the purchase of voting machines.

Napa has decided to construct new sewage system for Alta Heights.

Oakdale has voted \$400,000 for the completion of the Oakdale Irrigation District cement canals to furnish water to new lands.

Orland's City Engineer has been ordered to prepare plans for the extension of the water and sewer system.

Pasadena will receive bids November 10 for improving portion of Division street by grading and the construction of curbs, gutters and sidewalks. On November 3 bids will be received for improving portion of Cypress avenue by the construction of sidewalks. On same date bids will be received for improving portion of Linda avenue by grading and oil paving over concrete base and cement curbs. Portion of Hill avenue will be improved by the construction of a 4-inch oil macadam pavement with cement curbs and gutters. Bids were received October 20 for 39-inch reinforced concrete storm drain on Union street.

Porterville will probably improve Main street by paving.

Portland Fire Bureau will purchase two auto-driven apparatus, costing about \$12,000.

Red Bluff will probably have main business streets paved. An election to vote \$85,000 to establish a municipal water system is contemplated.

Riverside received bids October 19 for improving portion of Herndon avenue by grading and paving with decomposed granite, and the construction of cement curbs and sidewalks; also ornamental concrete lighting system. Bids were received October 10

for the construction of a concrete bridge across San Jacinto river.

Sacramento has had plans prepared for intake and suction well at the foot of I street. Bids were received October 13 for the construction of curbs and gutters on portion of E street.

San Bernardino High School District received bids October 24 for the construction of a group of school buildings, consisting of science, administration, classics, commercial mechanics, home mechanics, physical and education building.

San Diego city council has authorized plans prepared for an intake dam on Pine creek. Bids will be received November 5 for the construction of a jail building at Oceanside. On November 4 bids will be received for remodeling hospital. Plans have been adopted for ornamental lighting posts and asphalt pavement on portion of Fourth street. Portion of Grand avenue in Pacific Beach will be paved in the near future. A 24-inch pipe line will shortly connect Cnyamaca Water Co.'s line with the city line at cost of about \$100,000. Bids were received October 19 for material for 28-inch steel pipe line between point on Otay on San Diego pipe line to city. Department of Finance, Ways and Means have been directed to buy 3000 feet of steel flume for the Dalzura conduit project.

San Fernando is contemplating the purchase of fire apparatus. Union High School District has voted \$150,000 bonds.

San Gabriel received bids October 20 for bridge at Longden avenue and one at Hermosa Drive; also concrete culvert at Alhambra road.

San Leandro will receive bids November 2 for constructing macadam sidewalks on Saunders street; cement sidewalks on portion of Haas avenue; redwood or concrete curbs and sidewalks on portion of Juana avenue; redwood or concrete curbs and oil-macadam sidewalks on portion of Hepburn street; oil-macadam sidewalks on portion of Hays street.

San Rafael trustees have passed resolution of intention for street paving so as to provide for a change from rock foundation to asphalt concrete foundation. Bids were received October 19 for constructing a storm sewer of second quality of Ironstone pipe on portion of Walnut creek and Belle avenue; also for storm sewer on Laurel street.

Santa Ana will receive bids November 4

for surfacing and grading Siever's Canyon County road from easterly line of Rancho Mission Viejo easterly to the county line.

Santa Barbara received bids October 15 for the construction of two reinforced concrete bridges with wing walls and gate-bays structures on East Boulevard.

Santa Cruz Library Trustees received bids October 6 for construction of library building. Bids were received October 26 for one steam pressure road oiler.

Santa Monica received bids October 26 for improving portion of Twenty-sixth street by grading, laying cement sidewalks, constructing curbs and corrugated iron culverts and paving with macadam.

Sebastopol has passed resolution of intention for plans and specifications for the improvement of Litchfield avenue and South Main street.

South San Francisco received bids October 21 for improving portion of Miller avenue by grading, curbing, guttering and construction of an oil macadam pavement.

Tacoma. The Supreme Court has upheld the validity of the \$35,000 municipal street car bonds.

Tulare is contemplating the improvement of its park and the installing of drinking fountains.

Upland received bids October 7 for improving portion of San Antonio avenue by constructing asphaltic wearing surface on concrete base. \$15,000 has been voted for improving streets and purchasing road machinery. \$10,000 has been voted for fire apparatus and \$15,000 for city hall.

Vacaville will probably vote on \$18,000 proposition for the improvement of streets.

Vallejo received bids October 14 for an incinerator.

Venice will hold a special bond election November 6 for extending the salt water lines and for sewer improvements. Amount of issue \$35,000.

Visalia may hold a bond election in the near future to vote bonds for sewer farm and sewer extensions. An election will be called to vote \$12,000 bonds for an auto-chemical and an auto-hose wagon.

Whittier received bids October 5 for improving portion of Philadelphia street by asphalt paving.

Willows is contemplating the forming of three sewer districts.

CALIFORNIA COUNTIES.

Alameda County. State Highway Commission received bids October 5 for concrete paving 5.9 miles from easterly boundary to Altamount.

Colusa County. State Highway Commission will receive bids November 9 for concrete paving of about 8.4 miles between Williams and Colusa.

Contra Costa County citizens are agitating a good roads bond election.

Fresno County will receive bids November 6 for constructing Dunlap Cutoff road.

Glenn County. State Highway Commission will receive bids November 9 for concrete paving of 8½ miles between Willows and southern boundary.

Humboldt County. State Highway Commission received bids October 5 for grading 4.3 miles from Loleta to Beatrice; also 3.7 miles over Shiverly to Jordan creek.

Imperial County. State Highway Commission will receive bids November 9 for concrete paving of about 11.7 miles between Coyote Wells and Dixieland. Bids were received by same commission October 5 for grading 6 miles.

Kern County received bids October 28 for construction of bridges and culverts on Bakersfield-Glenville road. Bids were received on October 7 for the construction of a 50,000-volt transmission line of about 9½ miles in length.

Lake County Grand Jury is in favor of bond issue for good roads.

Los Angeles County received bids October 13 for macadamizing one mile of the county road not far from Covina. There is some talk of forming an irrigation district in San Fernando Valley. Cost is estimated \$2,500,000.

Marin County received bids October 6 for the construction of three concrete bridges on the State highway from Sausalito to San Rafael.

Mendocino County will receive bids November 9 for constructing a wagon road along the east side of Round Valley in the Third District.

Orange County received bids October 20 for improvement of Sec. Talbert road. Bids will be received on November 5 for concrete pavement on Bradford avenue, Placentia. Bids were received October 28 for reinforced concrete bridge across Coyote creek on La Mirada avenue. On November 4 bids

will be received for paving and grading number of streets in Road District No. 1. Bids were received on October 7 for the construction of a reinforced concrete bridge across Trabuco creek. Plans will shortly be prepared for the construction of Huntington-Newport Beach boulevard. On November 5 bids will be received for the construction of Sycamore bridge on Laguna road.

San Bernardino County received bids October 19 for one revolving steam shovel.

San Diego County received bids October 7 for the construction of a concrete bridge at mouth of Gopher Canyon. Bids were received on October 8 for the erection of a library building at El Cajon.

San Luis Obispo County. State Highway Commission received bids October 5 for concrete paving from Atascadero creek to Paso Robles. On same date bids were received by same commission for grading 3.6 miles from San Luis Obispo creek to Cuesta.

Santa Barbara County. State Highway Commission received bids October 5 for grading 10.2 miles from Stony creek to El Capitan creek. On same date bids were received by same commission for paving with concrete 8.7 miles of roadway from Los Alamos to Zaca Station.

Santa Cruz County received bids October 5 for constructing reinforced concrete bridge on the State highway between Glenwood and Santa Cruz.

San Mateo County received bids October 5 for constructing 1.459 miles of highway in Fifth Road District.

Shasta County received bids October 19 for bridge across Spring Gulch.

Siskiyou County will hold an election in November to vote \$720,000 bonds for the construction of roads to isolated districts.

Solano County. State Highway Commission received bids October 5 for concrete paving of 8.2 miles from Vacaville to Batavia. Bids will be received November 9 for concrete paving of 8.1 miles between Cordelia and Fairfield.

Sonoma County will hold a \$1,600,000 good roads bonds election November 3.

Sutter County will probably call a bond election in the near future to vote \$550,000 for the building of good roads and bridges.

Tehama County will receive bids November 3 for the construction of 8 concrete bridges and 8 steel bridges on the west side of the State highway. Plans and specifications have been submitted for four new bridges to span creeks on the route of the proposed highway from Glenn County line to Corning.

Tulare County will shortly hold a bond election to vote \$1,500,000 for roads.

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of Pacific Municipalities, published monthly at San Francisco, for October, 1914:

Editors: H. A. Mason, City Hall, San Francisco; Wm. J. Locke, Pacific Building, San Francisco.

Managing Editor: Wm. J. Locke, Pacific Building, San Francisco.

Business Manager: W. A. Douglass, Sheldon Building, San Francisco.

Publisher: A. Carlisle & Co., 251 Bush St., San Francisco.

Owners (If a corporation, give its name and the names and addresses of stockholders holding 1 per cent or more of total amount of stock. If not a corporation, give names and addresses of individual owners): H. A. Mason, City Hall, San Francisco; Wm. J. Locke, Pacific Building, San Francisco.

Known bondholders, mortgagees, and other security holders, holding 1 per cent or more of total amount of bonds, mortgages, or other securities: (If there are none, so state.) None.

WM. J. LOCKE.

(Signature of editor, publisher, business manager, or owner.)

Sworn to and subscribed before me this 21st day of Sept., 1914.

HENRY B. LISTER,

Notary Public in and for the City and County of San Francisco, State of California.

(My commission expires Feb. 1st, 1918.)

THE NEXT ISSUE

will contain the address delivered by Professor Thomas H. Reed on "The Value of Experts in Municipal Government," and the paper of Frederick Baker on "The Springfield Charter."

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Write for Catalogs. Mention Pacific Municipalities When Writing

This list is arranged as a guide for the accommodation of city officials where advertising for bids is not necessary.

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Asphalt Machinery

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Architectural Terra Cotta

Gladding, McBean & Co., Crocker Bldg., S. F.

N. Clark & Sons, 112-116 Natoma St., S. F.

Bitulithic Pavement

Warren Brothers Company, Los Angeles, Cal.

Brick—Paving

California Brick Co., Phelan Bldg., S. F.

Brick—Face and Fire

Gladding, McBean & Co., Crocker Bldg., S. F.

N. Clark & Sons, 112-116 Natoma St., S. F.

Buick Cars

Howard Auto Co., S. F.

Concrete Mixers

A. F. George Co., Los Angeles.

A. L. Young Machinery Co., S. F.

Concrete Water Meter Boxes

Art Concrete Works Pasadena, Cal.

Consulting Engineers

Sloan & Robson, Nevada Bank Bldg., S. F.

American Engineering Corporation, 57 Post St., S. F.

S. J. Van Ornum, 960 Pacific Bldg., S. F.

Conduits

Pierson, Roeding & Co., S. F., L. A., Portland, Seattle.

Curb—Curb Armor

Pacific Building Materials Co., 523 Market St., S. F.

Curb Bar

Amer. Steel Bar Manufacturing Co., Merchants Exchange Bldg., S. F.

Culverts

Cal. Corrugated Culvert Co., Los Angeles and W. Berkeley.

Standard Corrugated Pipe Co., S. F. & L. A.

U. S. Pipe Co., S. F.

Drain Tile

Gladding, McBean & Co., Crocker Bldg., S. F.

N. Clark & Sons, 112-116 Natoma St., S. F.

Dump Carts and Wagons

A. L. Young Machinery Co., 26-28 Fremont St., S. F.

Engravers and Bond Printers

A. Carlisle & Co., 251 Bush St., S. F.

Fire Hose

The Gutta Percha & Rubber Mfg. Co., 34 Fremont St., S. F.

Bowers Rubber Works, San Francisco.

Fire Hydrants

M. Greenberg's Sons, 225-227 Beale St., S. F.

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

Flushers—Street

A. L. Young Machinery Co., S. F.

Flush Tanks

Gladding, McBean & Co., Crocker Bldg., S. F.

Pacific Flush Tank Company, Chicago, New York.

N. Clark & Sons, 112-116 Natoma St., S. F.

Imhoff Tanks

Pacific Flush Tank Company, Chicago, New York.

Inspections and Tests

Robt. W. Hunt & Co., 418 Montgy. St., S. F.

Smith, Emery & Co., 651 Howard St., S. F.

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American Cement Products Co., Union Oil Bldg., Los Angeles.

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William Dolge, C. P. A., 311 California St., S. F.

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Sloan & Robson, Nevada Bank Bldg., S. F.

Smith, Emery & Co., 651 Howard St., S. F.

Municipal Motor Cars

Howard Auto Co., S. F.

Municipal Printers

A. Carlisle & Co., 251-253 Bush St., S. F.

Municipal Water Works

Smith, Emery & Co., 651 Howard St., S. F.

Pavement Materials

Warren Brothers Co., Los Angeles, Cal.

Pipe

J. W. Blair, 461 Market St., S. F.; 209 Union League Bldg., Los Angeles.

U. S. Iron Pipe & Foundry Co., 701 Monadnock Bldg., S. F.

Weissbaum Pipe Works, 143 11th St., S. F.

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A. L. Young M'chy Co., Fremont St., S. F.
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Sewer Fittings

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Sewer Pipe and Terra Cotta

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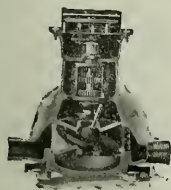
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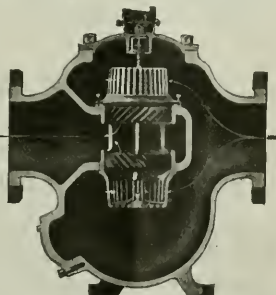
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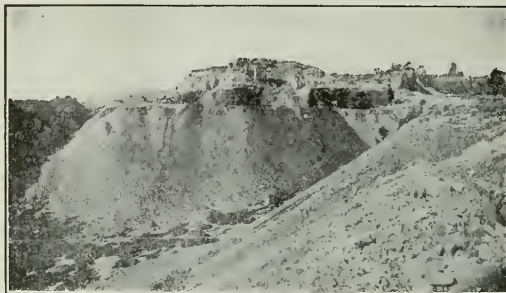
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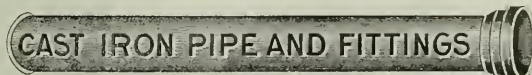
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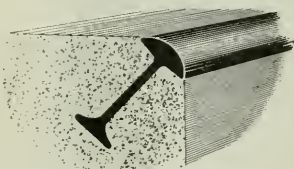
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PROFESSOR OF SANITARY ENGINEERING
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DECEMBER, 1914

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SEVENTEENTH ANNUAL CONVENTION OF THE LEAGUE OF CALIFORNIA MUNICIPALITIES

HELD AT
HOTEL DEL MONTE, CALIFORNIA
October 12th to 16th, 1914

REPORTS OF CITIES OF GREATEST MUNICIPAL ACHIEVEMENT SINCE THE LAST CONVENTION

(CONTINUED)

BERKELEY—By Mr. E. Q. Turner, Councilman.

Mr. Chairman, Ladies and Gentlemen: It will not be necessary for me to call the attention of members of this league to the city of Berkeley, as you all know it, principally because it is the greatest educational center in all California.

During the past year we have completed an incinerator at a cost of \$61,000. We have built four new fire houses and bought seven pieces of motor-driven apparatus, so that today our fire department is entirely motorized. The four new fire houses cost about

\$50,000. We have what is known as the double platoon system, and we think our fire department in Berkeley is equal to if not better than anything else in the city.

We have recently voted \$500,000 for school houses and sites, and the council and school board are now working on the matter, looking up sites.

We have expended nearly \$500,000 on a sewer system, and I will state that our out-fall sewer is sufficiently large to enable one to drive an automobile through it. We also have one of the most complete sewer systems in the State of California, upon which

there has been expended between \$490,000 and \$500,000.

I think that is perhaps sufficient for Berkeley to report, Mr. President. (Applause.)

CHICO—By Mr. M. D. Polk, City Engineer.

I must say, Mr. President, that I am unable this year to make the encouraging report that was made from our sister city in the south. Yet in a few years we expect to make such progress that we can make an even better report. During the last year, municipal improvement in Chico has fallen somewhat short of what was done during the past few years generally. However, we have carried a bond issue, and are building three additional school buildings to take care of our roll of 2500 school children. We completed about 5000 yards of pavement and about two miles of sidewalks, and have added about a mile to our sewer system, and built an Imhoff tank, which is giving us good satisfaction. I think that is about all. (Applause.)

CHULAVISTA—By Mr. W. L. Thompson, City Engineer.

Mr. President and fellow members: Chulavista is a little bit unique. She is one of the smallest of the cities of the State, and probably one of the youngest. Our achievements have just begun during the past year. We have devoted our energies simply and solely to our road system. Other improvements will come in due time. I am proud to say that the city of Chulavista has spent nearly \$40,000 in grading alone. Next year we hope to tell you something about paving the streets. I think that is all. (Applause.)

CONCORD—Mr. W. S. Farley, Engineer.

Mr. President: Concord is a small city of approximately 1200 inhabitants, lying about 28 miles from Oakland, on the Oakland and Antioch line. I did not come prepared with statistics of our various activities there. I will say this, however, that during the last year Concord has paved and has proceedings under way for paving a total of about \$100,000 of work, and this will comprise practically all the streets within the city. The assessed valuation of Concord is something over \$300,000, and we are spending nearly one-third of the assessed valuation in street work alone. That work is being done under the improvement act of 1911, five-year bonds. It would have been impossible for that work to have gone ahead un-

less some such act as that improvement act had been in vogue—one containing the principal of allowing improvements to be paid for on installments.

I do not know of any other substantial achievement of Concord than that. We have bought two pieces of fire apparatus, and have expended some money in a new town hall. (Applause.)

DINUBA—Mr. S. E. Burum.

Mr. President: Dinuba, being a city of the baby class, I had hoped I might not be called upon. But since the achievements seem to be classified principally according to the amount of money being spent, I think I can say that Dinuba has achieved something, as well as the remainder of the cities of the State.

Since the last convention of this league, we have completed a \$42,000 sewer plant and outfall. We have also added about \$10,000 to our municipal water system, an auxiliary pumping plant, and several thousand feet of new mains. Last of all, we have just let a contract for the paving with first-class standard pavement of about \$70,000 worth of work, covering the principal streets of our city.

Those, I think, constitute about all the improvements we have made in the last year. (Applause.)

LEMOORE—Mr. J. W. Dockstadter.

Mr. President: Lemore is a city about 30 miles south of Fresno. We have not done much in the way of improvement work during the past year. We have put in about \$2000 worth of water meters, and have built a \$40,000 school house. I think we have laid about \$500 or \$600 worth of water mains. (Applause.)

LORDSBURGH—Mr. A. J. Morrison.

Mr. President and Gentlemen: Lordsburgh is a very small city, and we have not done anything very big during the past year. Perhaps our greatest achievement was finishing about two miles of pavements in our streets, at a cost of over \$70,000, and the building of a manual arts and domestic science school building, at a cost of about \$5000. We have also let the contract for a new well, 200 feet deep, at a cost of \$6000. I think Lordsburgh's streets will compare favorably with any in California, and I hope all of you gentlemen will come and visit us and make an inspection of them. (Applause.)

LOS ANGELES—By Howard Robertson, Assistant City Attorney.

Mr. President and Gentlemen: I did not know that the custom of the convention was to have a report from the different cities of their various municipal achievements, and I am therefore afraid that Los Angeles has lost an opportunity. I would like to say, however, that the most important thing that Los Angeles has accomplished during the past year is the completion of the aqueduct, and within the amount originally stated, viz., \$24,500,000. Also, since that time the Franklin canyon pipe line has been constructed, and a portion of the city is now receiving and using water from the Owens river valley. In addition to that, the city has voted six and a half millions of power bonds, some of which have been sold, the remainder, however, being in litigation, and the case now on appeal. There has also been an issue of \$3,500,000 harbor bonds which have been sold. These bonds bear interest at 4½ per cent, and were sold at a premium of something over \$8000. This money has been expended, a great deal of it in the construction and completion of new wharves, one in the outer harbor and one in the inner harbor. Warehouses have been and are being now built.

Los Angeles has also voted \$4,600,000 of school bonds, most of which amount is to be used in constructing fire proof school houses. During the last year over 50 miles of paved streets have been added to our city streets, many of which now connect with the good roads system of Los Angeles county, which I think a good many of you know considerably about.

Storm sewers have been constructed, contracts for over a million dollars have been awarded for their construction, and they will extend throughout the city.

There have been a great many other things done, a good many pieces of fire apparatus have been purchased, and likewise a few automobiles, the city now owning in the neighborhood of 128. The Harbor boulevard, another undertaking which has been delayed for a long time, is now about ready to be completed. The city at the present time is working on the leveling of Tims Point, so as to give a direct avenue to the old Huntington fill or what is now known as Municipal Dock No. 1. (Applause.)

MERCED—Mr. T. W. Fowler.

Mr. President and Gentlemen: Merced, as everyone in this convention knows, is the gateway to Yosemite Valley, and therefore a very important point—in our estimation, at least. We are moving ahead, municipally. We have completed about \$65,000 worth of street pavements this last year, and added also to the sidewalk system, which at present consists of about 25 miles, our population being 4000. We are also the home of the greatest good road booster in the State, Mr. J. R. Graham, of whom you have doubtless heard.

We have built reinforced concrete culverts to connect with the State highway, which is now completed from the north to the city. We are adding continually to our fire-fighting apparatus, and have in contemplation a new and improved fire alarm system; we are also working on a municipal water system, which, when complete, will cost from \$165,000 to \$175,000. (Applause.)

PACIFIC GROVE—Mr. H. G. Jorgensen.

Mr. President and fellow delegates: Our mayor expected to be here this afternoon, but was unavoidably detained, so I will speak for him.

Owing to the fact that small cities generally are having to economize, it would be a difficult thing for a small city like Pacific Grove to make any great showing in municipal improvements. As I listened to the reports of the several delegates telling of the vast sums of money their cities had spent for this and that, I did not see how our small city could make an interesting showing in comparison. But somebody spoke about a jail, and that gave me the cue. The city of Pacific Grove has spent for the maintenance of its jail during the past year the munificent sum of thirty cents, including feeding the prisoners. Of course, our thirst emporiums are licensed to sell only soda water and the like. Aside from that, we have spent out of the general fund the sum of about \$6000 for the repair of four miles of our streets. We have 26 miles of paved streets. The streets repaired were improved with Monterey gravel, a decomposed granite, and as they were improved several years ago, at the beginning of the year were in great need of reconstruction. So this year our street department has experimented with placing upon those streets a rock called

Pajaro waste, which is a small sized gravel from over near Pajaro. This Pajaro waste binds readily with this decomposed granite gravel and being spread over the surface about three inches in thickness makes an excellent macadam street. To look at the streets that have been repaired, you would think they were actually new macadam streets, made out of Pajaro rock proper, instead of simply being repaired with this Pajaro waste. I think that is one of our greatest achievements, the finding of a splendid and economical method of street repair or reconstruction. Aside from that, our only other municipal achievement is the purchase of motor-driven fire apparatus, which should result in a decreased rate of fire insurance in our city. I will not tell you where the city of Pacific Grove is, because I think most of you will find it before you leave town.

REDWOOD—Mr. G. A. DeLeau.

I suppose you all know where Redwood City is, gentlemen; it is the county seat of San Mateo county, San Francisco's front garden.

Since our last convention Redwood has built, under the improvement act of 1911, about eight miles of oiled macadam roadway, at a cost of \$140,000, and six miles of sidewalk, at a cost of \$60,000. We have extended our water mains about three miles, so we have now all together in the city of Redwood about 50 miles of water mains.

Another remarkable achievement—at least one that we think is remarkable—is the reduction of our electric current rate for street lighting. We were paying a short while ago 9.2 cents per kilowatt hour, and now we are getting our electric current for 2½ cents a kilowatt hour. I thank you. (Applause.)

SANTA ROSA—Mr. C. E. Skaggs, Councilman.

Mr. President: Santa Rosa is the county seat of Sonoma county and the home of Luther Burbank; it lies about 50 miles north of San Francisco.

I believe the greatest achievement of the past year has been the starting of the three-mile sewer outlet, for the reason that it means better sanitation of the city.

We have also laid 16 miles of curb and gutter, five miles of cement sidewalk, 107,000 square feet of asphaltic concrete, and

26,600 feet of other pavement. The city hall reported on last year has been completed and I believe it is the best of its size in the State. Building construction last year amounted to \$295,000. (Applause.)

SANTA MONICA—Mr. J. A. Morton, City Engineer.

Mr. President and delegates: Like my neighbor from Los Angeles, I arrived at this convention ignorant of what the duties of a delegate were in reference to reporting for his city. However, I think it will be easy enough to substitute experience for achievement, and tell you something of what Santa Monica has done.

Outside of my own department, I can only say that we have placed our public utilities matters in the hands of the railroad commission. A charter revision committee has reported, and we vote on the question of a new charter the first Tuesday in December. In case we are successful and succeed in getting under the commission form of government, we will also enter the field as contractors, since there is a provision in the charter whereby we will be able to do public work. The next time I come to the convention I will bring some facts. I can simply say to you men, however, that we have had about 3½ miles of standard sheet asphalt streets laid, and something like five miles more of macadam, and in the neighborhood of 17,000 lineal feet has been added to the sewer system, and we have had constructed a storm system to take care of our entire city, and the system, if carried out, will cost about \$295,000. I say "if carried," because we still have to vote upon bonds to complete the work. However, the temper of our present council is such that if the bonds are not voted, they will make an assessment district and do the work anyway. (Applause.)

SEBASTOPOL

Mr. President and fellow delegates: There are only six of us here to represent Sebastopol, which is perhaps something of an achievement. I don't think it is necessary for me to tell you where Sebastopol is located. If any of you attended the apple show they had at San Francisco for the last eleven days, you will know something about it. It is seven miles southwest of Santa Rosa. My friend from Santa Rosa says that is where Luther Burbank's home is. That

is true. But his experimental farm is within the city limits of Sebastopol, where he raises and propagates all of those remarkable products that we have heard so much about.

During the past year Sebastopol has not made many strides municipally. The year before we spent about \$150,000 improving streets, and we have some of the best streets in any city or town in the county of Sonoma. During the last year we voted \$20,000 to build an addition to our grammar school. That indicates that our population is growing as well as our apples. We have also extended and built about a mile or a little over of an outfall sewer. We have added in our town several more street lights and an additional police force. I believe that is about all that I have to say at this session in regard to Sebastopol. (Applause.)

TULARE—Mr. F. T. Robson, Engineer.

Mr. President: The city of Tulare is a city of about 4000 people, about midway between the two cities of Los Angeles and San Francisco. During the last year we have made some very marked improvements in our fire alarm system, having modernized it and enlarged it greatly; we have also secured some motor-driven fire apparatus, and in addition to that we have just completed a municipal water system at a cost

of from \$100,000 to \$125,000, modern in every way; this last improvement has resulted in a very large reduction in our fire insurance rates. Proceedings are under way at the present time to pave about 20 blocks with standard pavement consisting of concrete base and asphalt top, and as soon as the proceedings can be carried out, it will be one of the best cities in the San Joaquin valley in regard to paved streets. The other departments of the city report a similar development, and the town is progressive. (Applause.)

UPLAND—Mr. C. P. Fuller.

Mr. President and Gentlemen: We are not quite so well known as Pasadena, so perhaps I had better indicate to you that we are located in San Bernardino county, on the main line of the Pacific Electric and Santa Fe and on the State highway. We have a population of about 3500 and we grow oranges.

I think our principal achievements during the past year have been the ordering of \$80,000 worth of street work under the improvement act of 1911, and the voting of \$25,000 for the acquisition of fire equipment and road machinery for the purpose of street repairs, and we have just recently completed a municipal library at a cost of about \$15,000. (Applause.)

THE VALUE OF EXPERTS TO A CITY GOVERNMENT

By PROFESSOR THOMAS H. REED, of the University of California

Mr. President and members of the convention: I have been asked to speak upon the value of experts to city government. Some of you may remember that, two years ago, at the Berkeley meeting of the league, I addressed you upon the subject of the "College Training of Municipal Experts." Some of the things which I shall say today I said then. I do not think any of you will be especially bored by that; that is, not any more than you were then, because I suppose you have thoroughly well forgotten everything that was said at that time.

The term "expert" has been very much abused. People are all the while alleging that they are expert this and

expert that and expert the other thing. We have every imaginable kind of expert, from the engineering expert to the so-called efficiency expert. As a matter of fact, the term "expert" is simply another way of saying: "The man who knows how." That is what an expert is and that is all he is. He is a man who is fitted for the task that he is to perform, and can bring to it a full equipment for that task.

A man may be an expert ditch digger, an expert copyist, an expert physician, an expert engineer—even an expert city attorney. It is possible to be an expert along any line, from the least up to the greatest. Yet we do not ordinarily apply the term "expert" to

the lower ranges of employment. We do not speak of the man in the purely mechanical position, whether he pushes a pen or wields a pick, as an expert. We reserve the term for the higher ranges of employment.

There are two kinds of preparation that an expert must have. One is training, and the other is experience. They are both equally good, equally necessary. As you go higher in the ranges of expert service, the element of training becomes more and more important. A man may, in the minor positions of municipal service, acquire all the expertness that is necessary simply by experience. But as you mount higher, you are required more and more to have a proper training as the basis for the experience to work upon. The man who is simply experienced cannot become a full-fledged expert. No man, for example, by simply practicing at a city attorney's work, can become an expert city attorney. He must have been trained to that work before he began.

This does not mean, necessarily, that a man who comes out of college is going to make a hit in municipal work. I have students coming to me all the time and asking me: "Can't I train in this particular kind of municipal employment?" mentioning the kind they want. I usually tell them: "That's all right. You may be able to get some sort of a preparation for that purpose by training, but you never will make yourself, by that simple act, an expert in any line of service. You must add to that training, experience."

Some of you may have heard of the old New England farmer who objected very much to the location of certain telephone poles upon his premises. He carried his objection to the point of kicking the men off the place when they came to dig the holes. They went to the justice of the peace and got an order authorizing them to proceed. They came back with this very formidable looking paper, shoved it in the face of the farmer, and said: "Now, look at this. We have a right to do this. You get out of our way." The farmer scratched his head and looked down at the ground and hemmed a few minutes,

and then he did get out of the way. He walked up into his next lot, separated from that where the men were digging the holes by a fence. On the other side of the fence was a bull, a very savage and vicious creature that had to be kept shut up all the time. The farmer simply took down the bars between the two fields. The bull, his tail erect, his head down and his nostrils turning redder at every stride, dashed down upon the post hole diggers. They cleared the wall into the lane in record time. Then the farmer, skirting the edge of the field very carefully, walked around to where they were and up to the boss of the gang. Then he nudged him with his elbow and said: "Say, why don't you show your paper to the bull? Why don't you show your paper to the bull?"

That's the way it is with the young college graduate who goes out with a diploma certifying that he is able to be a health officer, able to be an attorney, or this and that or the other thing—he has got to show his paper, not perhaps, to a wild, rampaging bull, but to a very cold and critical public opinion. That paper is merely a certificate that he has certain elementary, preliminary training, which may form the basis of further expert training—the expert training that comes from experience. Both things are necessary. The higher you go, the more of both are necessary.

As a matter of fact, municipal expert service of the highest sort is a comparatively new thing. We have had for a good many years experienced city clerks and experienced auditors, and other men engaged in the performance of the ordinary, formal functions of municipal government. But in the very highest ranges of municipal employment, municipal expert service is of recent birth. There are few people sufficiently well trained to take rank as top of the ladder authorities. They are the few people who give their time wholly to acting as advisors in particular branches of municipal work. When you look for men who are qualified to give ultimate opinions, to act as final authorities, the number to whom you can turn is very limited. There will

be more as time goes on. There are bound to be more, because this is one of the most interesting and valuable fields of service that there is in our country. But at the present time, they are comparatively few.

Now, as to the value of an expert. Why, of course, you want your men who are engaged in mechanical positions of government to have the training and experience that makes them efficient in the performance of their duties. You cannot afford to have a man employed in the municipality who is not efficient, no matter whether he fills a low place or a high place. But as you go up, the need of "men who know how" becomes more and more vitally important. As you climb into the highest ranges of employment, it becomes absolutely essential. Because, while an inefficient ditch digger wastes his own time, an inefficient man at the head of a city government, or even of a great department, wastes not only his own time but the time of hundreds of others as well. It is essential that we have trained men in every job from crossing sweeper to city manager. Further, it is very highly desirable that, when a municipality is starting out on any very great enterprise, that it get advice from the leading authorities in the lines of municipal activity concerned. If you want to do engineering work, you need engineering advice of the best kind before you undertake it. If you need legal service, consult the best lawyers before launching your city on a sea of litigation.

We have heard this afternoon, in the splendid paper which was read upon "Public Health Service," a good deal about preventive medicine. That principle applies to municipal work. It is a good deal better by at once employing expert service to provide in the first instance for good work, than it is to call your expert in afterward to correct things that have gone wrong. Yet you will find people who are opposed to the employment of expert service because it costs money. They are afraid of the expense, and prefer to go ahead on some hit or miss design. They have to

call in experts afterward to patch things up, just in the way that a community which neglects sanitary precaution has to call in doctors to cure the sick after the epidemic starts.

It is not a wise thing to save at the tap and waste at the bung hole. It is better to proceed safely at first, to take into consideration all the possibilities. There is no use in having a bond issue go to rack and ruin because somebody has made a slip of the pen somewhere in the preparation of it. There is no use in having a sewer system that won't work, simply because somebody made a miscalculation as to which way was down hill. It is a good idea to have everything done right from the start. You save money in the long run by that practice.

A matter of the most vital importance is the relation of experts to the municipality. We have confused in America the functions of representation and administration. We confuse it today, and it is nowhere worse confused than in our so-called commission form of government, where we elect a commission to serve as representatives of the city, and then expect those same men to combine with their representative function the function of administering a particular department of the city government. Representation and administration are distinct things. They require different qualities. The representative ought to be as nearly as may be a fair representative of the community. He ought to be a good specimen of the intelligence and idealism of the community. He ought to be responsive to its every wish. He ought to be subjected to initiative and referendum and the recall, and every other device, to bring him into closer harmony with the people. An administrator, on the other hand, is not engaged in the determination of policy. He is engaged in the carrying out of the details of government. In carrying out the details of government, it makes no difference what a man's politics are, whether he has an agreeable personality, whether he is able to drape himself gracefully over the front rail of a bar, or capable of shaking votes from

the hands of the people. The only thing that counts is whether or not he is able to carry out the policy that has been laid down for him by the representative department of the government. Most of the defects which have been discovered in the commission form of government, and they are numerous, have grown out of the fact that in it representation and administration are confused.

We confuse it in our State government in a way that has already been referred to this afternoon, by the election of numerous administrative officers. There is the Secretary of State, for example, who is nothing but a recording officer, a sort of glorified chief clerk, and yet the people of the State of California are called upon to elect him as if he were an essential representative of some interest of theirs. The same is true of the surveyor general. I don't suppose there are 50 per cent of you in this room today who know who the surveyor general of the State of California is at the present time, or know anything about the work that he does or the work that he is expected to do, or know anything about the candidates for the position, or what they might be expected to do if they were elected. And yet you cast your ballots on the 3rd of November for somebody for surveyor general. All the way along the line we have refused representation and administration. And the result is that we have confusion throughout our government.

The same thing applies in municipal government. Take the city government of San Francisco, for example, which is about as bad a specimen of disorganization in its various branches as you can possibly find. There you have a vast number of elective officers, more than almost any other city in the United States attempts to elect. You have, furthermore, all that disorganization which comes from appointive boards, over which the appointing officer only has that intermittent control that comes from the periodical recurrence of vacancies. The result is that it is almost impossible in San Francisco at any one

time to tell who is responsible for things that go wrong. The board of supervisors cannot control San Francisco. The mayor cannot control San Francisco. It is only by a remarkable ability for getting along together, that the city officials of a city like San Francisco manage to produce results at all. No private corporation on earth would ever attempt to do business with such an organization.

The first essential thing, then, is to separate representation from administration, which we do not do in the commission form of government; which we did not do in our older forms of city government. We should elect our representative body, and frankly and clearly and definitely understand it to be a representative body and nothing else. We should then provide for the appointment of administrative officers. That is the suggestion that has been made for the State government in the report which you have so unanimously adopted this afternoon, and in which I most heartily concur. The only objection that I have to it is that it uses the term "commission government," whereas the form of government suggested by that report is not commission government. Commission government implies the idea of a body of administrative officers, exercising all legislative and administrative power in a city, or a State, or whatever unit of government their control is applied to. That is not the proposition that is laid before you in the report of the committee. The report of the committee does provide for a separation of representative and administrative functions, and it provides for the proper co-ordination of administrative functions, under the governor.

We want the same kind of thing in the city. We must have a head of administration. A city commission is a good thing for deliberation. Five men can deliberate better than one, and decide a policy more wisely than one. One man cannot deliberate very well, unless he is a distinctly two-faced man, which most people are not. On the other hand, a five-man government cannot act

like a modern government. A five-headed commander of an army ought to be four fifths despatched. The Chinese army could not act as it does today, even if not for the fact that its organization is centralized. The French army could not meet the attack of the German army as they have been doing. If it did not have a commander in chief. There is no place for a two-headed man, easily lost, a five-headed man, unable to achieve. We need coordination, proper centralization, and that coordination cannot be supplied without a single head.

In the commission form of government, you do not get proper expression of the mind of the various officers. Each head of a department is a member of the council. Individually, as a part of the council, he is expected to criticize the actions of the other administrative officers. But he never dares to say anything about the way any colleague runs his department for fear that that other person may immediately turn around and want to know how his department is being run. Of course, you do find occasional courageous individuals who are willing to die in a glass house and put their names. But the temptation is the easiest way in and men are prone to take the easy way—to let well enough alone.

The way out is by the selection of a single administrative officer responsible to the council, a city manager. He should be responsible to the council for everything that is done, and yet, as the other head, he should be credited with control over the administration, with the power of appointing his subordinates and of determining their conduct, subject to two general directives and control of the council. That is the way a private corporation is run; that is the way the school district is run; that is the way the University of California, for example, is run. The heads of reports of the university do not endeavor to define the educational policy of the institution. They select the president, and when they have selected the president, that is about all they do. They quit all their eggs in one basket, and watch that

basket. If the president should depart materially from the main thing they were done of course he would be removed. The president, on the other hand, is guided in the direction of policy by the fact that he has got to go before the board of regents with them. The heads of reports have final authority, yet the president is the actual administrative head of the university. The University of California is subject to criticism sometimes. It may not be usually efficient in its administration, but the University of California is far and away a better administered unit of government than most of the cities of the United States. It is because it has a national form of organization.

Look at our State of California. The government is supposed to be the administrative policy of the state, and yet a half dozen officers elected by the people may, though their time is full of other things of the day or make their dinner without ability as the part of the government to do anything but turn in their ceremonial gestures. All the other departments are in the control of officers or more frequently boards appointed by the last officer while he cannot interfere and control except at the moment of filling a vacancy. The numerous different departments and of completely unrelated to one another, that we see here in the picture of a government where our experience was done. There is no coordination, no arrangement, no bringing into a system of the whole thing. And you cannot have good administration, you cannot have expert administration, without such coordination and system.

It is the plan of the representative to double cross the people here. You can not have expert legislators. You may have well-paid legislators, you may have extraordinarily intelligent legislators, but in the end run the administration of the legislative policy of the state is of the city is a thing for the people of that city as that state. That is the House of Assembly in attack [Laughter], we all agree. Your representative must either give a picture the opinion of the people.

Not long ago I was going to make an address in a Presbyterian Church, one Sunday morning. When I went before the mirror in my little hotel room to shave, I was astonished to see five or six of myself in the glass. I said to myself: "This is a deuce of a state for a man to be in who is going to speak at a Presbyterian Church." Then I examined the mirror and discovered it had a wiggly back in it, and anybody could have seen as numerous images as I. Then I tried to shave, and got along finely as long as I could remember which of those five or six faces was my own. But, after a while, I lost track of it; the blood began to flow, and, if I had dared, I would have thrown that mirror out of the window. It is just exactly that way with regard to the position of representative officers with relation to the people. The representative officer should be not a wiggly, quiggly kind of a mirror, but an accurate mirror of the desires of the people.

On the other hand, there should be the expert officers—the men who do the work. They should suggest to the representative officers what they think ought to be done, and the representative officers, if they have good sense, will, nine times out of ten, take the advice of their experts. The experts will, on their side, be modified in their zeal and held in restraint by the fact that

they have to go before the representative body. No expert is ever wholly sane—he would not be an expert if he were. He is a monomaniac upon his own subject. He ought to be. He ought to live it and breathe it. He needs the application of lay sanity once in a while. The two things working together give you the desired result: a performance of the details of governmental service by experts, and the determination of the governmental policy by the people.

These, to my mind, are the essentials in the organization of a municipal government. The place of the expert is the subordinate place, except insofar, as, by his wisdom and good judgment, and by the impression which his personality creates, he can secure adherence to his views. The responsibility is upon the lay body, the representative body. And if we adopt this method, and if we remember that we cannot expect to elect experts to public office; if we remember that we must select them by appointment, and must give them permanent tenure and pay them reasonable salaries, we will get real expert service. Then the business of the municipality will be as well done, relatively speaking, as the business of the private corporation. And that, to my mind, is the ultimate desideratum on the administrative side of municipal government. (Applause.)

THE SPRINGFIELD, OHIO, CHARTER AS ADAPTED TO THE NEEDS OF CALIFORNIA CITIES

By FREDERICK BAKER, of Los Angeles

Mr. President and Gentlemen: I wish to state, before I read my brief paper to you, that our newly elected President paved the way for a remark that I desired to make and that is that, while I have endeavored to give my own opinion on the various debatable points, and every point in making a city charter is sharply debated pro and con, it is not, I would have you understand, for a moment because I think I have any superior wisdom or knowledge whatever on these various points, but simply as a

practical suggestion toward the solution of the problem, and from my point of view only, offered as a suggestion for what it is worth, and not offered from the standpoint of superior knowledge, at all, because I disclaim anything of that kind.

The functions of municipal government, in common with all State activities, are rapidly widening in scope.

The policeman's club as the symbol of city government has given place to the

children's playground, the social center, the public museum, art gallery, library and countless other means of adding to the comfort, the beauty and happiness of the communal life.

We are beginning to realize that democracy is not only a political theory, but a religious and moral principle, based upon the divine worth of the common average man.

A new social spirit of freedom and justice is reshaping our industrial, social and political institutions. This new social spirit places human welfare first as the primary object of all government.

It should be our aim as students of municipal affairs to make a practical application of this new spirit, to outline a working plan, to build and operate the City Beautiful where order, peace, comfort and happiness shall prevail, and human life be conserved and developed to the highest degree possible.

The commission manager plan is the latest solution offered from an American standpoint of the problem of obtaining business efficiency by the application of democratic methods in municipal government.

And I wish to state at this point that Dr. Carey, who is in attendance on the convention from Alhambra, handed me this morning, as a matter of interest, this telegram addressed to him from Alhambra: "City adopted first city manager charter in California, despite opposition. William Winston." So that Alhambra has the honor of being the first city in California to adopt a charter providing for the city manager form of government. Some sixth class towns, and perhaps some fifth class towns under ordinance, have provided for a city manager, but Alhambra is the first town to have taken that step to a formulated charter.

Springfield, Ohio, with a population of 47,000, adopted this form of charter a year ago last August. It is considered by the National Municipal League the best charter in this form thus far put into effect.

It has been selected on that account

as a basis for our consideration of this form of municipal government.

This charter vests all the powers of the city in a commission of five members, except such powers as are vested in a Board of Education and in the Judge of the Police Court.

Members of the commission must have resided in the city five years before their election and must not hold any other public office during their term of office except that of notary public or member of State militia. This qualification as to residence is a limitation on the power of the voters, and I think in our rapidly growing towns should be greatly reduced.

Commissioners are elected at large for a term of four years.

While election at large may be best as a general principle, especially in large cities and where there is a vote in certain sections that can be influenced in favor of special private interests, yet conditions may exist in some cases that make it preferable to elect by wards or districts.

In framing the Los Angeles county charter, it was found best to provide for the election of supervisors by districts instead of at large. There it was our aim, and I speak of having been a member of the board that drafted the Los Angeles county charter, to frame the charter for that county as nearly along the lines of commission government as we could, consistent with the constitutional provisions under which we were acting. And, first, as all of us were rather advocates of the commission form of government, it was thought that we should frame the charter to elect the supervisors at large, instead of by districts, as being more in harmony with the commission plan of government. But we thought that that was not feasible as a political, and practical proposition. So we backed up on that and provided for the election of supervisors by districts, and I am confident that if we had provided for their election at large, the charter would certainly have been defeated at the polls. In fact, in all charter framing local conditions should always be first studied,

and no hard and fast theories adhered to at the expense of meeting local needs or conforming to public opinion.

The non-observance of this rule has often resulted in the defeat at the polls of a charter that on the whole would have been a great advance.

The salary of the commissioners is \$500 per annum, with a penalty provided for absence from any regular meeting of two per cent. The commission is required to hold at least one regular meeting each week.

The distinctive feature of this charter and of this particular form of commission government is that the commission appoints a city manager who is the administrative or executive head of the municipal government, subject to the control and supervision of the commission. He holds office at the pleasure of the commission and is appointed without regard to his political beliefs, and need not be a resident of the city at the time of his appointment.

The powers and duties of the city manager are as follows:

- (a) To see that the laws and ordinances are enforced.
- (b) Except as herein provided, to appoint and remove all heads of departments, and all subordinate officers and employees of the city; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this charter.
- (c) To exercise control over all departments and divisions created herein or that hereafter may be created by the commission.
- (d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the city solicitor, who is hereby required to take such steps as are necessary to enforce the same.

That is a new provision, never having been included in any charter before, so far as I know.

- (e) To attend all meetings of the commission, with the right to take part in the discussions but having no vote.
- (f) To recommend to the commission for adoption such measures as he may deem necessary or expedient.
- (g) To act as budget commissioner and to keep the city commission fully advised as to the financial condition and needs of the city; and
- (h) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the commission.

Last year I made the Dayton, Ohio, charter the basis of a paper read to the League on the Commission Manager Plan, and it will be instructive to note the difference between these two charters, as no doubt some of our towns will prefer the ideas in one charter and some towns those of the other charter.

I wish, also, to mention in this connection that the Dayton charter was prepared about one month before the Springfield charter, and that the Springfield charter follows that of Dayton in many of its provisions; also that the Springfield charter does not set forth as complete a scheme of municipal government as that of Dayton, but depends upon references to the general laws of the State, and provides for a continuance of administrative boards in existence at the time of the adoption of the charter, and the charter itself does not define such boards or describe their duties.

The Springfield charter only contains 94 sections as against 170 in the Dayton charter. While brevity is certainly a desirable feature, yet it renders the Springfield charter less useful to the student or charter framer than it would be if the complete scheme of government were set forth, as in the Dayton charter.

The Springfield charter provides that the commission shall appoint and remove at pleasure, besides the city manager, the clerk of the commission, the city solicitor or attorney, auditor, treasurer, purchasing agent and civil service commission. The city manager makes all the

other appointments and removals subject only to civil service provisions.

The Dayton charter provides that the commission shall only appoint besides the city manager the civil service board and clerk of the commission.

The city manager makes all other appointments under the Dayton charter, including city attorney, director of public services, director of public welfare, director of public safety and director of finance, each of whom are at the head of one of the five departments of city government, and the city manager also appoints the following subordinate officers: Health officer, chief of police, fire chief, city accountant, treasurer and purchasing agent.

Personally, I prefer the Dayton system, which gives the city manager full power to appoint the heads of all executive departments and subordinate officers.

If the city manager is to be held responsible for results, as the executive head of the city, he should have the power to select his assistants and co-workers, upon whose efficiency largely depends the success or failure of his own administration.

Another distinctive feature of the Springfield charter is the following provision:

"The city shall have and may exercise all powers which now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive."

This is in lieu of the lengthy provisions heretofore contained in nearly all charters specifying in detail all the powers of the city. There is no doubt this would be an improvement if supported by law, but under our constitution as it now stands, and the decisions of our Supreme Court on the subject to the effect that a municipal corporation can only exercise such powers as are granted in its charter by express words or by implication from the powers expressly granted, I think it would not be

safe to rely upon a general or blanket grant of powers such as the Springfield charter contains.

I would state that I have compiled numerous references to California decisions, dealing with this subject, and, while possibly some lawyers would differ from me, as is frequently the case that lawyers differ, you know, yet I think that this is the safer position.

A constitutional amendment should first be adopted authorizing such general grant of power. In fact, one is to be voted upon designed to accomplish this purpose at the coming election, but I am sorry to say I consider it objectionable on account of certain other features it contains.

That refers to proposition No. 29 on the ballot, but I don't like its reading, as I think it is dangerous, so far as it may be construed to limit the powers of municipalities in relation to their self government. I cannot stop to go into that now. And I don't think it delegates the power by that general grant of power in apt language to cover our needs.

At the present time, any municipality in the State has general police power by virtue of Section 11, of Article XI of the Constitution, which makes a general grant of police powers to all municipalities. The same principle can be applied by making a broad grant of power to all municipalities to exercise all municipal functions unless contrary to the constitution or expressly limited by the terms of the charter adopted.

Until this is done, however, the only safe way, in my opinion, is to follow precedent, and make as broad an enumeration of express powers as possible.

The Modesto charter may be consulted with profit on this subject.

Under the Springfield charter only the commissioners are elected. The short ballot principle is strictly adhered to, and, at the end of the first two years, two commissioners only are to be elected, and three at the end of the next two years, and thereafter every two years two or three commissioners, as the case may be, are to be elected.

All nominations are made a non-partisan primary election. A second election

is necessary in all cases, at which twice as many names are placed on the ballot as there are places to be filled.

The Berkeley plan of making the primary election final, as to all candidates receiving a majority of all votes cast, tends to get out a full vote at the primary and is a decided improvement over the Springfield method.

The names of candidates are rotated on the ballot instead of being placed alphabetically, and thus all candidates are given an equal chance.

The framers of the Springfield charter believed in the theory that the office should seek the man rather than the man the office, and to that end inserted the following unique provision:

"No candidate for the office of city commissioner shall make any personal canvass among the voters to secure his nomination or election, or the nomination or election of any other candidate at the same election, whether for municipal, county, State or other office. He may cause notice of his candidacy to be published in the newspapers, and may procure the circulation of a petition for his nomination; but he shall not personally circulate such petition, nor by writing or otherwise solicit anyone to support him or vote for him. He shall not expend or promise any money, office, employment or other thing of value to secure a nomination or election; but he may answer such inquiries as may be put to him and may declare his position publicly upon matters of public interest, either by addressing public meetings or by making written statements for newspaper publication or general circulation. A violation of these provisions, or any of them, shall disqualify him from holding the office, if elected; and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office."

It also contains the following:

"Neither the city manager, nor any person in the employ of the city under him, shall take any active part in securing, or contribute any

money toward, the nomination or election of any candidate or candidates for the office of city commissioner, excepting to answer such questions as may be put to him and as he may desire to answer."

I would suggest in this connection that each candidate be required to answer a set of questions that would fully inform the voters as to the fitness and qualifications of the candidate for the office he seeks, such data to be made a matter of public record and to be published.

At the present time many organizations request candidates to answer such questions for their own information. All voters should have an equal opportunity to obtain such information, and thus be able to form a better opinion as to the various candidates.

If anyone takes a civil service examination, for instance, they are required to answer a very full and complete schedule of prices, aside from those merely bearing upon the specific topic they are being examined upon, and I think that some method should be devised of having every candidate answer a certain form of questions to be made a matter of public record.

The budget-making process under the Springfield Charter is an interesting one. It provides that the city manager shall submit each year to the city commission an estimate of expenditures and revenues for the coming year based upon detailed information from each department, which estimate shall give in parallel columns the following information:

- (a) A detailed estimate of the expense of conducting each department as submitted by the department.
- (b) Expenditures for corresponding items for the last two fiscal years.
- (c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.
- (d) Amount of supplies and material on hand at the date of the preparation of the invoice.
- (e) Increase or decrease of requests compared with the corresponding

appropriations for the current year.

- (f) Such other information as is required by the city commission or that the city manager may deem advisable to submit.
- (g) The recommendation of the city manager as to the amounts to be appropriated with reasons therefor in such detail as the city commission may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the city commission for inspection by the public.

Here is a unique idea in budget making that I think we should pay particular attention to.

The charter also provides:

"Upon receipt of such estimate the city commission shall prepare an appropriation ordinance, but before finally acting upon such tentative appropriation the city commission shall fix a time and place for holding a public hearing upon the tentative appropriation, and shall give public notice of such hearing. The city commission shall not pass the appropriation ordinance until ten days after such public hearing."

It gives an opportunity for the general public to be heard as to how they want the money to be spent, or as to what they think is the most important subject of municipal aid.

I wish to mention in this connection that I think it is a serious defect in the laws relating to sixth-class cities, in which many of us are interested, that there is not some method of budget making provided, in which the different items of appropriation for the coming year shall be taken up and passed upon, some schedule agreed upon. It will certainly tend to efficiency, I think, in a government of our smaller towns, if some provisions of that kind are inserted in the general law, in connection with making the tax levy.

A monthly statement showing in detail all receipts and expenditures of all departments is required to be made to

the city commission and full publicity is provided for.

Public work may be done either by contract or by direct employment of the necessary labor and purchase of materials.

The eight-hour day and forty-eight-hour week is required on all public work whether carried on by the city or under contract, except in cases of extraordinary emergency. This does not apply to policemen or firemen.

The charter also contains provisions requiring all sewer, water, gas or other connections to be made before a street is paved, and in default of making such connections, no permission to make them shall be granted for five years, except by special resolution adopted by four commissioners and stating the reasons therefor.

This certainly would be a great protection to our streets, and I would like to see the necessary legislation enacted to give such power to our California cities. I think it could be done for a charter city, or by general legislation for the classified city.

The Springfield charter adopts civil service by reference to the general State laws on this subject.

A charter in California where civil service is desired should contain the necessary provisions on this subject.

The Los Angeles county charter is one of the most complete systems of civil service yet drafted, and may be used to advantage as a model by charter framers.

Personally, however, I am not in favor of civil service in the small towns.

A complete scheme of direct legislation and for the recall is set forth.

Only members of the city commission may be recalled. In my opinion, all the appointive as well as the elective officers should be subject to recall. An honest difference of opinion may arise as to the efficiency of the city manager, or any other city official, or as to whether he should be retained by the city. The most direct and fairest way for all concerned is for the people to decide the question by passing upon it for themselves at a recall election, and not by the indirect method of trying to recall the commissioners for keeping the city official

objected to. The city commission cannot always determine without an election what a majority of the voters actually wish to do. These considerations, among others, influenced the framers of the Los Angeles county charter to provide for the recall of all officials, appointive as well as elective, and experience has shown the wisdom of that policy.

As to one county official, appointive official, who was very strongly objected to, and pressure was brought to bear upon the board of supervisors to have him removed, and, of course, they relied upon the provision that if he was not desired, he could be recalled under the terms of the charter. They started a recall petition, but when it came to a showdown, they didn't get sufficient support to make it effective for their recall, and so it simply resulted in a flash in the pan, whereas if we started a movement against the supervisors, it certainly would have been a very indirect method of determining what was really the public sentiment upon the proposition.

It is also provided that if a recall petition signed by at least 500 voters shall be filed with the city auditor and containing a statement of the grounds, in not more than 200 words, the commissioner may file a defense, and then copies of the petition shall be placed in each of the fire engine houses for signatures and due notice of such fact published. Then, if at the end of thirty days, signatures equal to 15 per cent of the registered vote has been obtained, a recall election shall be held. If not more than two commissioners are recalled, the vacancy is filled by the remaining commissioners, instead of by voting at the recall election for other candidates. But, if it is sought to recall two or more commissioners, then candidates to succeed them are nominated and voted on at the same election in the usual manner.

I prefer our California method, which is also that of Dayton, Ohio, of having the recall election determined by a majority vote whether the official is to be recalled, and, if recalled, to be succeeded, if an elective officer, by the candidate receiving the highest vote at the recall election.

The Springfield method of having the vacancy on the commission filled by the

commission is not in harmony with the object of the recall to give the people control of their officials.

This charter also provides in regard to petitions, as follows:

"No person shall sign, or knowingly permit to be signed, any petition for a recall at any place other than one of the places hereinbefore designated for the signing of such petitions. Nor shall any person employ or pay another or accept employment or payment for circulating any initiative or referendum petition upon the basis of the number of signatures procured thereto."

Franchises are limited to twenty years, with provisions for a renewal within two years of their expiration, after having declared by ordinance the intention to renew.

Rights of purchase by the city must be reserved in all franchises granted at a price either fixed in the ordinance making the grant, or be fixed in the manner provided in such ordinance.

All privately owned public utilities must keep a complete set of books of account at some place in the city showing in detail all financial transactions, and also make and file a complete report each year. Access must also be given to these books to an authorized representative of the city upon request.

This closes the general outline of the main features of the Springfield charter.

Mr. Stewart L. Tatum, who was president of the commission that drafted this charter, in answer to my letter asking for information, writes me as follows:

"I take pleasure in stating to you that the Commission-Manager plan is receiving recognition by students of municipal government as the probable type to which the development of city charters will carry the movement of charter reform.

"This plan largely separates the legislative from the executive functions of the city. It permits of citizens from the ordinary walks of life being elected to the policy-determining board or commission and does not require of such men any technical skill such as is required under the straight commission plan, where

each commissioner is also an executive officer at the head of some particular department.

"The executive offices, other than those of auditor, treasurer and city solicitor, are concentrated in the several departments of which the city manager is the head. The executive branch is therefore freed largely from the changes that occur in the commission with every election, a further protection being provided by the Civil Service rules. This arrangement is conducive to the development of trained officials who may expect to hold office as long as their services prove to be efficient and valuable. The effect of partisanship is weakened by reason of the provisions for a non-partisan ballot, also by reason of the four-year term of the commissioners and by reason of provisions prohibiting political activity on the part of the municipal employees.

"This plan of government is practically the board of directors plan which has become the standard form of organization for private corporations and which has proven itself through many years of trial in connection with the largest of human undertakings. As the affairs of municipalities are being regarded more and more in the same light as those of private corporations, it is almost to be expected that the same plan of organization as that adopted by private corporations will become the prevalent type of organization for municipal corporations.

"During the few months in which our charter has been in operation, there has been a very great saving in the cost of administering the municipal affairs, and each officer and employee of the city has been required to undergo the process of "speeding up" in the transaction of the business of his particular department. There are still murmurings of objection from those who were originally opposed to the change of government but the people at large, who adopted the charter by an overwhelming vote, are

believed to be quite well satisfied with the first fruits of charter government. Their approval of the same will probably become more firmly grounded when they are furnished at the end of the first or second year a complete detailed statement of the accomplishments of the present administration."

Let me say in conclusion that any form of government is merely an instrument or tool to accomplish certain results. The most important factor, however, in having a clean, beautiful, well-governed city, will ever be an enlightened people filled with the social spirit of devotion to the public good.

Let us strive then to manifest this spirit of service, and not only see the city beautiful as a vision in the skies but help build it on earth, where righteousness, peace and joy shall prevail.

Gentlemen, I thank you. (Applause.)

Mr. Locke: Mr. Chairman, I regret that time and the fact that we have a very important paper to be submitted as the next number, prevents extended discussion of this very important address which has been delivered by Mr. Baker. But I feel it my duty at this time to say just a word or two regarding a matter that has been going through my mind while listening to Mr. Baker. I perhaps voice the sentiments of all of you when I say that it is with great regret that I realize time will not permit us to discuss not only the very important points touched upon in this address but the very important matters that have been touched upon in other fine papers that have been submitted to this convention, and it has occurred to me while listening to Mr. Baker that perhaps it might be better policy in the future, if we were to follow the example set by some other organizations of this character, and print a complete synopsis of the various papers which are to be submitted, and then devote the time of the meeting almost entirely to discussion. That, I think, would perhaps be productive of better results. I submit this idea in the hope that you will give it thought and consideration and let us know what you think about it. (Applause.)

**DEPARTMENT OF ENGINEERS,
COUNCILMEN AND STREET SUPERINTENDENTS AND
DEPARTMENT OF CITY ATTORNEYS
JOINT MEETING**

Wednesday, October 14, 1914, 9:30 a. m.

The meeting was called to order by Charles N. Kirkbride, city attorney of San Mateo, president of the department of city attorneys.

Mr. Kirkbride: By resolution and agreement of the two departments, this morning the department of city engineers, street superintendents and councilmen, and the city attorneys, meet in joint session. The motive which determined that action was that we might take up the question of street improvement acts, and the further question as to what, if any, changes should be made in street improvement acts, and whether any new legislation or any new acts other than amendments of the old, are required. The desire is to go into this matter from a to zed. We want to thresh it out, and we expect, before we are through, that you will naturally desire and require that suitable committees be appointed, with a view of working out the practicability of any suggestions that are made, and framing them into the shape of legislation for presentation at the coming session.

I think I can say upon behalf of the

attorneys that we appreciate this opportunity to meet in session with the other section, and I can further say that we assure you that, so far as our individual efforts go, we will endeavor to carry out the desires of the general body, and to accomplish anything that may be required or desired, so far as in our power.

Before we take up the program for today, I will ask whether there are any announcements to be made by either Mr. Jessup of the engineers or by the secretary of the section.

Mr. Locke: I have no announcements, Mr. Chairman, except that there are several questions to be submitted to this body that I presume it will be in order to take up later.

Mr. Kirkbride: We will proceed, then, to the order of business and have the pleasure of listening this morning to an address by the president of the board of works of the city of Los Angeles, Mr. Lorin A. Handley, who will speak to us upon "Changes Demanded in Our Improvement Laws." I have the pleasure of introducing to you Mr. Handley. (Applause.)

CHANGES NEEDED IN OUR IMPROVEMENT LAWS

By LORIN A. HANDLEY, President Board of Public Works Los Angeles

Mr. President and Gentlemen: It was no little surprise to me when I received the last issue of the official organ of this body to discover that I was to talk, as it stated then, before the department of city attorneys. However, I am in deeper water by having the engineers brought in. It does not concern me in the least, though, because I have neither a legal reputation nor an engineer's reputation at stake. So I will proceed with perfect calmness in the matter.

There are so many things that pertain to our improvement laws that occur to me to need some change, that I shall not endeavor to mention all of them this morning, and many that I do mention will have to go with the mentioning, because it would take more time than would be justified.

The general improvement laws now in force in California include the statutes and their amendments enacted by the State legislature since the adoption

of the constitution of 1879. Previous to this date, improvements were made under the provisions of the local governments. This naturally led to much confusion, so that with the adoption of the new constitution it was provided that public improvements should be made under general laws of the State. The Vrooman act of 1883, as re-enacted in 1885, was the first law passed under the constitutional provision. This act has been the foundation for all succeeding legislation on this subject.

The confusion which prevailed under the charter system was not wholly due, however, to the heterogeneity of the source of these laws—namely, the various cities—but was due largely to the lack of knowledge and experience of improvement processes. While the general laws have partly met the situation that obtained at that time, they have not by any means corrected all the difficulties. This is evidenced by repeated amendments offered and enacted by legislatures since 1885 and further by the fact that we are demanding additional changes affecting the technique of the work, and for the purpose of simplicity, economy and convenience in the process.

It is not my purpose to treat comprehensively the changes we need, nor even to mention all of them; but rather to suggest what seems to me some of the more important propositions that would inure to the public good.

I. First of all, the legislature should not be the exclusive source of our improvement laws. I am aware that the arguments laid down in behalf of this source have a respectable foundation. It is asserted that when the legislature is the source of our improvement laws, that it establishes uniformity and this we must concede as a fact and a merit. It is further declared that it has given security to bonds, which is true only to a certain degree. It is maintained, too, that the smaller cities and towns need the general laws in order to make improvements at all; and no one can successfully deny that to such communities they are generally a necessity. Moreover, it is said that the legislature is the most competent source of such laws,

a statement that does not rest wholly upon fact, because few of the men that sit in a legislature have had any practical experience with the problems of public improvements and, further, because most of the work of amending the original law has actually been by the engineers and attorneys of the various cities.

Undoubtedly the general laws of the State should be maintained for the benefit of those who need or desire to use them, but it seems that cities of certain classes should have authority to make by ordinance their own improvement laws, leaving it optional whether they use their own or a general law in a given improvement. The act of 18—provides that cities may now so make improvements if the entire process is set forth in the charter. This, it seems to me, is no improvement upon the use of the general law.

If a city could make its own improvement laws, technical difficulties could be more readily removed. Both a charter provision and a general law are difficult to change and if either has any advantage over the other, it is in favor of the general law; for a charter can be changed only by a vote of the people and then an act of the legislature. But an ordinance could be easily and readily changed.

Under ordinance, laws can be adapted to local conditions; and with the possibilities of more rapid change, can be developed more quickly to meet the requisites of a good law. Bonds, too, can be made just as secure as under charter provision or general law of the State. The larger cities also are just as competent a source, if not more so, than a State legislature, because these cities are facing the improvement problems daily in a practical manner and know better what kind of a procedure should be provided.

II. Second, there are changes of a more or less technical nature that should be made. These affect the methods and conditions under which public officials initiate and carry on the work, though such changes bear upon the convenience and advantage of the people

1. The present law should be amended so that two or more separate improvements, not contiguous, may be included in the same ordinance and under the same contract. Such procedure would be a matter of convenience to the departments in charge of the various stages of the work; it would save office time and expense, cost of double advertising and plural profits. In every way it would be a gain to the property owners involved. Some advocates of this amendment desire to limit the operation of such a law to improvements similar in character but no sufficient reason presents itself to warrant such restriction. It seems better to leave the grouping to those in charge of the processes in each city.

2. The present law should be altered so that property may be omitted from assessment in a single district. Certain portions of a street improved may be omitted from assessment now, but the application of the principle is too limited. There are improvements that add nothing to some properties in a district, but are extremely valuable to other properties, or are a public convenience, if not a necessity. Tunnel construction for traffic purposes usually adds nothing to the value of property under which the bores are made, yet under existing requirements the property must be assessed. We attempt to meet this condition by placing upon such properties nominal assessments. While the nominal assessment relieves the properties from a heavy burden of assessments, yet it is without justification. In the first place, it requires time and expense to go over the properties in the district; also to notify the property owners and collect the tax. Besides the useless waste of time and expense already mentioned, the property is sold for delinquent taxes; if, for reason of neglect or lack of knowledge of the work, they find their property sold. All this can

be avoided by omitting this property from assessment. There will be no more abuse of this right than of the nominal assessment plan.

3. It has been suggested that all drawings should be uniform. Engineers have urged uniformity as a means of avoiding errors in the departments and more particularly, blunders by the contractors. The proposition is so plain that it is not necessary to argue the matter.

4. The present act should be changed so that railway companies may be compelled to pave the portion of the street covered by a franchise, whether the tracks are laid or not. South Main street in Los Angeles is an important street because it connects with the county macadam road to Wilmington and San Pedro. This street was paved from Moneta to Manchester, a distance of several miles. From Slau-son to Manchester, a distance of something like two miles, no track has been laid in the center of the street, which is covered by a railway franchise. At places it is eight inches above grade, at others it is a few inches below grade; in winter it is muddy and washes down on the pavement, increasing the maintenance cost to the street department. In the summer it is dusty and annoying to traffic, as well as inconvenient to the general public. This same condition obtains in other cities in California, a situation that should be speedily remedied by compelling those holding franchises to pave their portion when the rest of the street is improved.

5. Again, the present law should be amended so that alternative propositions may be considered. In private work, the whole field of possibilities is open for consideration, but in public work we are narrowed to a single specified channel. When we specify a given type of pavement or a given type of sewer construction, you have barred competition and this leads to much embarrassment to the department that

chooses the type and concerns interested in the sale of particular types are lobbying with public authorities to get them to specify their particular commodity. There are many cases where a specific type of work should be done, but there are many more where any of a number of types may be used; in such cases, the public is entitled to the whole field of competition. At the present time sewer construction offers the best field for alternative propositions, though much street work could be offered to advantage. This seems to be the best economic procedure and just to all concerned.

6. One of the serious handicaps of the present law is in the failure to provide a means whereby the city may do work by force account and assess the same to adjoining property. A provision of this character would have a wholesome influence on contractors. It would guarantee better quality of work at a reasonable cost. In addition to this, cities are experiencing difficulty in getting bids on small jobs. In Los Angeles we have advertised as often as three times and then failed to get a bid. Contractors don't want to bother with a square of paving or a sidewalk, and if they do bid the price is out of all proportion to the character of the work. In such cases the city, through its maintenance department, should do the work and assess the same to the adjoining property. Then occasionally there is a bit of work so important in its construction that the city ought to have exclusive direction of the work. I take it that such a right on the part of a city would result in much permanent gain and good to any community.

7. We should have in this State the right to apply the principle usually expressed under the title of "Excess Condemnation." Since the November ballot provides an opportunity to vote for such a law, I

shall not discuss the matter further than to say that it will provide those charged with the responsibility of directing public improvements a more equitable process than we have yet had. The principle is not new and will be applied only under peculiar circumstances. However, when such conditions arise, it should be at hand for application; therefore, the people of this State should vote favorably upon the excess condemnation law proposition.

8. The law should be amended so that the condemnation process may be shortened. At least a city should be enabled to take charge of property at once and put it to whatever public use it desired, without waiting for the tedious process of the courts to be completed. It is not often that we need immediate possession, but when we do we need it badly. And on most occasions it would greatly convenience the public and in addition it would tend to accelerate the speed of the court processes. Many of our most important improvements are unnecessarily delayed and the delays are usually both costly and annoying. Therefore, some scheme should be devised whereby immediate possession is had so that improvement may continue to the greatest advantage to the public, and at the greatest economy.

III. Such changes in our improvement laws as I have already suggested have to do with the methods of operation and affect the officials charged with the responsibility of carrying out the provisions of the law, though they bear directly on the welfare of the people. Let us consider some changes that ought to be made in the operation of the law as it affects the people directly.

1. In the first place, the people interested should be scrupulously informed of every improvement. Posting of notices along a street has long since been found wanting as an adequate means of reaching

the property owner. Not only do many never see the notice, but many more do not understand it when they do see it. A reasonably simple posting on the street, however, is important and should be continued.

Post-card notices are a great advance over mere posting. The efficiency of this method, however, depends upon the assessor's roll. If it is up to date then the real owner will receive the notice. Unfortunately, this does not obtain generally throughout the State and much of the effort in this line is rendered void. We need in California a law similar to those in some eastern States. To make such law effective, title should pass by recording the instrument of transfer and only in that manner; then a further provision should be added that a deed could not be recorded until it is accompanied by a certificate from the assessor that the property had been transferred on his rolls to the new owner. Thus automatically the records are kept and you always have the name of the real owner. This will make important and render effective notice by mail.

One more point for consideration along this line. California, of all the States, bids more heavily for investments by non-residents. Some concern, therefore, should be given to non-resident owners of property that they have a reasonable time for notification and response. The present laws are a veritable trap for the non-resident owner. Of course, some mice are too wise to be caught even in a trap, but at the same time many more get in. It is for these that protection should be afforded if we wish this investment to increase, or even continue.

2. In the next place, the people should be heard on all public improvement. That is, the right of protest should not be denied to them. Of course, sanitation and fire protection or any work of public necessity must determine an im-

provement. But in ordinary public work where these questions are not involved, then such a fundamental right should not be denied. It is a most astonishing occurrence that our last legislature passed the 1913 act, which gives the people absolutely no right to protest against any improvement for which they are assessed under its provisions. That borders too nearly upon a violation of the spirit of the fundamental principle upon which this republic was founded—that there should be no taxation without representation. We should, therefore, give the voice of the people its proper place in these matters.

3. The people's property should be protected by our improvement laws. I am aware that the present laws give the people an opportunity to protect themselves; but if for any reason they do not know, or if they neglect to move in the matter, it is too late. And how little they know and can know, ordinarily, about these matters. The law should provide that the city engineer should be compelled to make an estimate of the damage by cuts or fills or otherwise, upon all property affected, and file the same with the proper board. Then if any property owner fails to file a claim where waivers are not given, the officials who make the awards should grant to such owners the amount filed by the city engineer, more or less, in proportion to the amounts awarded to others at the same time. What we need is a law that does not merely give the people a chance to protect themselves but one that will protect them in spite of themselves.

Again, some consideration should be given for the purpose of protecting those who are unable to pay their assessments. This is altogether too common an occurrence. Many improvements are so important that they ought neither to be prevented or even delayed. To make these improvements may mean virtual confiscation of the

property of a few people. It is confiscation because they cannot pay the assessment, nor can they sell the property usually, except at great sacrifice; and there seems ever present some beneficent person ready to take advantage of these unfortunate individuals. There should be some means provided for the protection of such persons so that no unwarranted and unnecessary burden may be imposed upon them.

4. All assessments upon the people's property for public improvements should be collected by the city. In the first place, the city can do it more economically; and it is more convenient for the people to find a public office than to search out the private office of a contractor or of some loan shark to whom he has assigned his warrant. There is, too, a feeling of security in paying money into a public office rather than into private hands. Moreover, the people need protection against the sharp practices perpetrated upon them by money sharks under the present system; and that protection can come by the city doing all the collecting. This is now practiced in some of the cities of California and much to their credit; but we must insist upon a change in our present law that will forbid anyone else and compel the city to do it.

5. Another remedy called for is a change that will stop the selling of the people's property at public auction for delinquent assessments. No more outrageous practice has ever been perpetrated or tolerated than the selling of property at public auction to satisfy a delinquent assessment. Our feeling of resentment increases when we remember that under our law the owner may never have heard of the assessment at all. In a recent improvement in one of our cities, nearly 3600 pieces of property went delinquent. These were put up at auction under the provision of the present law and sold, and certificates of title

issued accordingly. Nearly every one of these assessments was less than one dollar and yet it will cost the owner of every piece of property from twenty-five to two hundred and fifty dollars to clear that title. This affords a fruitful field for money sharks, but one of desolation for the unfortunate victims.

Instead of continuing these scandalous outrages, the law should provide that the city should take over the delinquent assessments and add to the original amount only enough to pay the additional cost of collection. This would prevent much wrong now foisted upon the people and take away from many burdens and suffering that have well-nigh led them to despair.

It appears, therefore, that there are many improvements that could be made in our present laws. There are others that have not been mentioned here. The one aim underlying our every effort in this line should be to seek simplicity and economy in order that justice may be done.

Mr. Kirkbride: Now you begin to appreciate what you are up against. This problem of tackling corrections and improvements in our improvement act is indeed a problem. Before we enter upon the discussion of it, I think we had better take up the other paper, which is along somewhat similar lines; that is, the question of new legislation. Mr. Locke has prepared something for us on the subject of new legislation desirable for municipalities, and a considerable proportion of his thought will doubtless be along the lines of improvement acts. I take pleasure in introducing Mr. Locke. (Applause.)

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SUGGESTED NEW LEGISLATION FOR MUNICIPALITIES

By WILLIAM J. LOCKE, City Attorney of San Anselmo
and Assistant Secretary of the League

Mr. Chairman and Gentlemen: I feel somewhat embarrassed in being obliged to follow on the program the very eloquent and able address to which you have just listened. It is gratifying to me to know that we have our reporter here with us this morning and to realize that he has made note of the very valuable suggestions, at least most of them were valuable, in my opinion, made by Mr. Handley.

I am not going to deliver you an address or a set paper, but merely to give you a statement of the suggestions which have been received at the headquarters of the league during the past fifteen months. I have made brief annotations, and I shall not dwell at any considerable length upon any of them, for the reason that I am addressing men who, in my judgment, are well qualified to know, from the brief statement I shall make, whether they have any merit or not.

I trust that a committee will be appointed by this body, on new legislation, and that this committee will very carefully consider all these various suggestions, because they are very, very important; and because, furthermore, by giving these various suggestions proper consideration and handling them in the proper spirit and in the proper manner, we are almost certain to get some remedial legislation, a thing very much to be desired, as you will no doubt agree.

As I indicated, we have been receiving at the headquarters of the league during the past year or fifteen months, various suggestions from city attorneys and others in different parts of the State, calling attention to certain defects in the laws which should be remedied. Our president, Mr. Long, recently requested me to compile these various suggestions in the form of a paper and present them to this body. I immediately conceived the necessity of inviting further suggestions, and the city attorneys who are here present undoubtedly received such requests that

they send in suggestions to the headquarters, so that they could be compiled properly and submitted at this meeting.

What I am going to give you today, therefore, is not a statement of my own ideas or conceptions, but rather a statement of the suggestions which have come from various parts of the State. Many of those received were in relation to the improvement laws, and most of these were turned over to Mr. Handley. Since then, however, other suggestions have been received for amending the improvement laws, and in view of the fact that Mr. Handley was on the program to immediately precede my address, I have given them the first place in this report.

The first suggestion noted comes from Mr. C. P. Stevens, city attorney of Benicia, who advises that it might be better to have some more formal procedure for establishing the official grades of a street. The law says that the property owner may be entitled to damages, even in case of the initial establishment of the grade, if it can be shown that the variation from the natural grade will cause him damage. I will pass this without comment, with the hope that the attorneys will give it more consideration later.

The second suggestion comes from Mr. Hartley Shaw, city attorney of Eagle Rock. He advocates that a brief description of the work should be insisted upon in all proceedings following the resolution of intention and notice of improvement. It is common practice now not to abridge the description in the slightest degree, and this often entails a lot of unnecessary expense. The law at the present time uses the word "briefly," but city attorneys are afraid of it, and for that reason it is common practice to take the full description from the resolution of intention and insert it in all the subsequent proceedings, with the result that it piles up a very big printing bill, entirely unnecessary. It seems to me, and I believe you

will agree with me, that all the law requires, the spirit of the law, at least, is that the property owner becomes notified in the first instance as to what the improvement contemplates and an unabridged description, it seems to me, should be insisted upon only in the resolution of intention and notice of improvement. The suggestion is certainly a good one, and will undoubtedly be given further consideration.

The third suggestion comes from D. T. Jenkins, an attorney of San Jose. It is a proposition that has been made from time to time; in fact, during the past few years, a proposition that provision should be made for personal notice to property owners, notwithstanding the fact that the proceedings are *in rem*; that is, against the property and not against the person. It has been pointed out in many instances, and Mr. Handley has referred to it at considerable length in his paper, and I have no doubt that you all agree with him in his position, that some means should be taken to give the owner of the property personal notice; and I heartily agree with the suggestion he made for the amendment of our laws in this respect so that we may ascertain the owner of the property and notify him of the improvement.

Mr. Long: But you cannot do so, if it is really impossible.

A Delegate: It has been provided in the Vrooman act and also the act of 1911.

Mr. Long: It is not always possible, and you might hold up a very important improvement by the lack of tracing the party.

Mr. Locke: I would not make that a jurisdictional requirement—merely a directory provision. It might do a great deal of good, and if the property owner did not secure notice that way, it would not invalidate the proceeding.

Mr. Long: But isn't it possible to make it jurisdictional by the proper requirement?

A Delegate: I certainly think it could be.

Mr. Locke: I think perhaps it would be better to keep this suggestion in mind for future consideration and discussion. There are quite a number of

suggestions here to go through, and I am not prepared at the present time to discuss them as we go along. But I believe one of the acts was so amended last session.

A Delegate: The Vrooman act.

Mr. Locke: The Vrooman act, yes.

The next suggestion is a proposal that the method of assessment be made clearer where a double line of railroad tracks in front of an improvement merge into a single track, the present law not being clear as to the method of assessment in such cases. Of course, that don't happen very often, but the suggestion is worthy of consideration.

City Attorney Redington of Hillsboro suggests that the attorney's fee should be included in the incidental expenses in cases where the attorneys are paid on a fee basis.

The next suggestion comes from Mr. R. B. Bidwell, city attorney of Glendora, who proposes that the bond act be made to apply to the improvement of border streets. You will perhaps recall the fact that a law was passed two years ago to apply to border streets. I believe Mr. Rutherford had something to do with the framing of the act. There is no provision for the issuance of bonds and the payment for work on the installment basis.

Before leaving this subject, I would again call your attention to the necessity of amending the act in accordance with the suggestions made by the legislative committee of two years ago; first, that the resolution of intention contain a statement of the time and place where the property owner should be given a hearing. This would make it more definite than at the present and would be a great improvement. I have no doubt in the world but that you will agree that the time and the place of the hearing should be set forth in the resolution of intention and in the notice of improvement, in order that there would not be any question about it, and so that the property owner would receive more definite notice of the time and place for hearing protests. It is an important thing to the property owner that he be given notice, and that the time for hearing protests be fixed with certainty.

Another suggestion is that the word

"immediately" should be stricken out of section 5, where it refers to the time for posting the notice of improvement. Another proposition is to specify just what will have to be incorporated in the complaint in foreclosing on an assessment. At the present time, one is obliged to set forth a great many of the proceedings in full, which adds a lot of unnecessary labor and expense, and serves no good purpose. Mr. Coleberd, of South San Francisco, prepared an amendment for that particular feature of the act, which was incorporated in Senate Bill 144, and went through the legislature, but was not signed by the governor.

The next suggestion is that it might not be unwise to provide that the letters in the words "Notice of Improvement" be not less than seven-eighths of an inch in height, instead of one inch, the reason being that some of the letters in what is known as one-inch type are a little short of an inch in height; take for instance the letters "O" and "C." The law says, not that the words, but the letters in the words "Notice of Improvement" must be not less than one inch in height, and, being a jurisdictional provision, it is rather a serious thing. Cases have occurred where the printer would use his one-inch type, and the letters "O" and "C" would not measure quite an inch in height. So it might be advisable to change that to "seven-eighths of an inch" for that reason, or specify more clearly that a one-inch letter is the minimum.

The next suggestion is that you give serious consideration to the proposition that these various amendments be added to the so-called Vrooman act, and that the improvement act of 1911 be struck off the statute books. There is hardly sufficient justification for two acts so nearly alike, designed for the same identical purpose and having no substantial difference between them. It would not do to repeal the Vrooman act, for the reason that some of the charter cities have adopted it by reference. Therefore, if the idea is deemed wise, it would be better to repeal the act of 1911. The proposition was considered by the former legislative committee. There is no sense in encumbering our statute books

with unnecessary laws. They are large enough at the present time.

Mr. C. P. Stevens has called attention to the fact that section 43 of the act of 1911 refers to section 4 when it should be section 5. Undoubtedly some of you have noted that error.

Another suggestion in reference to the street improvement law is a proposition that the provision should be made clearer for authorizing the doing of work on streets that are not contiguous, particularly where the work is of the same character. The law which purports to permit this now is not as clear as it might be. Mr. Handley touched upon this matter. It is a very important thing, to provide and make it very distinct and clear; that is, the right of the council to order work done on streets that are not contiguous, and even if several blocks apart, where the nature of the work is practically the same, and there will be no difference or variation in the amount of work to be done in the different places. Authority should be expressly given to the council to determine whether or not it should be done under one resolution of intention, as one improvement, and let under one contract.

The next suggestion is made by the Engineers' Club of the bay cities branch of the league, a suggestion that a provision should be incorporated in the act which would require all drawings to be made on a uniform scale. Mr. Handley also touched upon that.

Another suggestion is that railroad companies who have secured franchises be required to do their proportion of paving work, even though the tracks are not laid. Mr. Handley has referred to that also.

Another amendment which will be necessary is one relating to the liability insurance of contractors doing work under the improvement act. That is an important matter. Many of the contractors have been in doubt as to whether or not it affected the validity of a proceeding to have incorporated in the papers a provision that the contractor should be obliged to take out liability insurance. We had Mr. Bradley, attorney for the industrial accident commission, before the city attorneys'

department yesterday morning, and he delivered a very valuable address on this question, but no conclusions have been reached, and it was the consensus of opinion of those present that it would be necessary to amend either our improvement act or the liability act.

The last suggestion of which I have made note in connection with the matter of amending the street improvement laws, is one made by Mr. Kirkbride and others, to the effect that alternative propositions should be allowed and provided for in plans and specifications, so that alternative bids may be received. For instance, in the construction of storm water sewers, there are cases where there is no choice between vitrified pipe, cement pipe, or corrugated iron pipe. In such cases it would be desirable to permit the submission of alternative bids.

That is all I have on my list referring to the improvement laws. I have a few more suggestions here in reference to other matters. Is it the desire of the body that I read those?

Mr. Kirkbride: Yes.

Mr. Locke: The next suggestion offered is to the effect that the law be amended so as to require the attorney general of the State to give an opinion to municipalities on the validity of their bond proceedings. At the present time, the cities are at the mercy of a few attorneys representing the bond houses in this State, and it has been charged that some of them are not above rendering an opinion to suit their clients, the bond buyers.

That is a very important suggestion, and worthy a great deal of consideration.

The next is from City Attorney Redington of Hillsboro. He suggests that the sewer district act turned down by the Supreme Court two years ago be so amended as to enable a portion of a municipality to contract for the disposal of its sewage.

Another suggestion made by him is that the municipal corporation bill be so amended as to make the office of clerk an appointive one instead of an elective one as at present.

A number of suggestions have been made relative to amending section 242

of the Penal Code, and also the municipal corporation bill regarding the right of trial by jury for breach of municipal ordinances. At the present time it is a very difficult matter to secure conviction in the case of petty offenses, when the accused demands a jury. Section 882 of the municipal corporation bill provides that the court may refuse a jury in civil actions where the penalty or forfeit is not more than \$50. Mr. J. S. Larew, city attorney of Elsinore, suggests that this should also include the criminal cases. It might be well also to suggest a further amendment by raising the fine of \$50 to \$100. A bill covering the matter was introduced at the last legislature but failed of passage.

City Attorney Bidwell of Glendora offers the suggestion that the State should have exclusive control over the regulation of speed of motor vehicles in cities, but that a city prosecuting for a violation within its borders should receive at least 50 per cent of the fine imposed and collected.

The next suggestion comes from Mr. George T. Wing, acting city attorney of Banning. He believes that further provisions should be taken by municipalities to protect the public health from the dangers of tubercular infection. He points out that at the present time, the owner or renter of property to tubercular patients in closely built up districts located near schools, churches, etc., are a menace to the rest of the community, and he suggests that legislation should be enacted which would effectually prevent the owner of property from renting to people afflicted with tuberculosis or other infectious or contagious diseases.

A suggestion has been made by Mr. Albert Lee Stephens, city attorney of Los Angeles, that we should give serious consideration to the enactment of a law which would enable the State or city to act instead of so-called tax sharps in the purchase of property in delinquent tax sales.

The following suggestions have been received from Mr. J. W. Coleberd, city attorney of South San Francisco:

1. That the election law for municipalities be simplified. Would call attention to the fact that at the last leg-

islature, your committee on new legislation offered a bill which would enable the use of the preferential system of voting in small municipalities; it did not pass, unfortunately. Would advise that the league committee to be appointed on new legislation be requested to again introduce such a measure.

You all know that the election laws were so amended at the last session of the legislature that it is practically impossible to ascertain what they mean. As a matter of fact, the attorney general's office in San Francisco worried over the matter for about a month before they would hazard a guess as to what they meant. Section 1188 of the Political Code starts in by saying that primary law shall not apply to municipalities of the sixth class. About half a dozen lines further on it says that the forms for nomination and other matters pertaining to elections in cities of the sixth class shall be as provided in the primary law.

The next suggestion of Mr. Coleberd is that a new weed law be enacted, one covering the removal of weeds from vacant lots. This has already been discussed by the city attorneys, and a special paper will be submitted subsequently at a future meeting of the attorneys' department.

Another suggestion made by Mr. Coleberd is that water and gas companies should be compelled to lay surface pipes to the boundary lines of streets before the laying of pavement has commenced.

Another important suggestion by him is one providing for a uniform registration and licensing of plumbers by the State board of health instead of by the various municipalities, as at present. That matter has already been given due consideration by the city attorneys of the bay cities, and will be taken up later on by this department.

Mr. Coleberd's next suggestion is a law to require uniform inspection of meats, fruit and milk under the direction of the State board of health. This matter has been placed in the hands of a special committee and such a measure will undoubtedly be introduced by this organization. Mr. O'Donnell, city attorney of Vallejo, is a member of the committee, and I believe Mr. Greene is

another member. They are working in conjunction with a representative of the State board of health.

Another suggestion from Mr. Coleberd is one looking to the amendment of the law relating to the recall. He suggests something along the line embodied in Senate Bill 40. This bill embodies the suggestions which I have made at a previous meeting of the league. The chairman of the committee on municipal corporations was personally opposed to the measure, however, and declined to let it go through the committee. The present law relating to the recall was passed at the extra session of 1912. It is a most pernicious law as it now stands, for the reason that it requires the man sought to be recalled to secure a majority of all votes cast, whereas, the candidates nominated to succeed him are only required to obtain a plurality. Some of you are undoubtedly aware of that situation. The law now provides in the conduct of a recall election that this question shall be placed at the top of the ballot: "Shall John Doe be recalled? Yes and no." Now, then, we will take a situation like this: Suppose there are a thousand votes cast in the community, and that 501 people should vote yes; that is, that John Doe should be recalled; that 499 should vote no, or that he be retained. Notwithstanding the fact that 499 people should vote to retain him, he would be recalled and probably replaced by a man who received several hundred less votes. This would be certain to be the case if there were three or more candidates to succeed him.

Another suggestion comes from Mr. Clyde Woodworth, city attorney of Inglewood, who proposes that the \$1.00 tax limit should be increased. It is quite doubtful if this would be approved in view of the fact that it is only four years since the limit was raised from 75 cents to \$1.00. Undoubtedly the difficulty could be overcome in most cases by raising the assessed valuation. However, Mr. Mason has suggested that there is no reason why the matter of taxation should be limited at all, that the cities should have home rule in the matter, and each determine for itself what the tax rate should be.

From Mr. Machetanz of Exeter comes the suggestion that the procedure for issuing municipal bonds might be simplified, particularly in regard to the form of bond.

Another suggestion for amending the bond law has been received from Oakland. At the present time seven publications are necessary of the ordinance calling the election in all cases where a daily paper is used by the municipality, and the law might well be amended by cutting down the number of publications required to two. If the proposition involves a number of objects or purposes, it adds to the expense of having a bond election.

From City Attorney Horace V. Ley of Fort Jones comes the suggestion relative to the Act No. 1285 relating to the depositing of public funds in banks. He claims that this act is being evaded by both treasurers and banks in the following manner: The treasurer deposits the funds of the municipality in his own name; in this way the bank evades the necessity for depositing bonds as security for the funds on deposit; also for paying interest; afterward, they make a sworn statement to the effect that they have no municipal funds on deposit. Mr. Ley says that he charged two banks with this practice and has received a reply as follows: "How do we know that the money he deposited is municipal money?" Mr. Ley suggests that the act be so amended as to make it a misdemeanor or even a felony to deposit municipal funds other than in the name of the municipality to which they belong, and also a like offense for any bank to receive the deposits in any other manner from the public officials. Mr. Ley also suggests that the municipal corporation bill be amended so as to make a city official responsible for the misuse of public funds.

Another law very much in need is one which will authorize a city trustee to hold the office of street superintendent or clerk; another which will enable an attorney in cities of the sixth class to also hold the office of clerk. This provision now exists in the general laws governing cities of the fifth class.

I will state at this time that the city of Livermore has submitted a question

to the department of city attorneys in regard to this subject, and they are very anxious to know if there is any lawful impediment to prevent them from appointing the city clerk to act as deputy marshal, and as deputy marshal to assist in collecting taxes.

Another suggestion is that section 871 of the municipal corporation bill should be so amended as to clear up the question regarding the right of treasurer to serve as tax collector. The law at present provides that the marshal shall be tax collector. In another section mention is made that the trustees may appoint the treasurer. This is not quite clear, however, and a suitable amendment should be made to this section.

The next suggestion comes from Oroville regarding the consolidation of the office of justice of the peace and town recorder. It is pointed out that in the city of Oroville at the present time \$175.00 is paid out monthly for two officials where but one is necessary. This matter will be handled in a paper to be delivered by City Attorney Coleberd of South San Francisco, and will be discussed further before the adjournment of that body.

Another important suggestion is made relative to amending the local improvement act of 1901. This act provides for the collection of the money before the work is done and has many meritorious features. It has not been used extensively throughout the State and some legal questions have been raised by attorneys regarding some of the features. Mr. Hugh R. Osborn, city attorney of King City, suggests a number of amendments which would make the act more attractive. There is no doubt but that it will be desirable to improve this act, for the reason that when the contractors know the money is on hand with the treasurer for doing the work, they will invariably make lower bids.

I will state that several of the contractors or representatives of material men have been invited to this session this morning, for the express purpose of giving the attorneys some of their views on the suggested amendments, and I was present last night at a discussion between some of them where

consideration was given to this local improvement act of 1901, or rather an amendment which was made to this act. The San Francisco tunnel act was framed largely after the improvement act of 1901, and has some very meritorious features, which, perhaps, if formed into an improvement act for general use throughout the State would be very desirable. It will give further safeguard to the contractor, and assure him of getting his money when his work is done, and remove the hazard; besides it will take from him the obligation and necessity of collecting the money, which you all know is a great task, and which prompts him invariably to raise his bid 25 per cent or more. We want to take measures to improve our various laws, and particularly our improvement acts, as has been suggested by Mr. Handley, so as to provide that improvements may be made cheaper in the State of California than they are at the present time.

Attention has been called heretofore to the fact that, by reason of the existence of the so-called Bancroft law in Oregon, that State is enabled to get its municipal improvements constructed for 2 per cent cheaper than municipalities of California. We have at the present time a constitutional impediment in the way of incorporating the Bancroft law on our statute books, but there is no doubt in my mind but that if the city attorneys will give the matter close attention, they will devise some method whereby we can get the work done cheaper, and whereby we can remove the hazard which the contractor is now obliged to take, and also take from him the necessity of spending considerable time and money in collecting his bills.

I thank you, gentlemen. (Applause.)

Mr. Kirkbride: Now, gentlemen, I think we will proceed to a general discussion of the subject of these street improvement acts, and those of you who have any novel ideas or particular points that you desire to bring out, we want to hear from. We promise that we will take note of the same, and perhaps right any wrong that is complained of. We want to remember, and it is a principle of law, those of us who are lawyers know, that for every wrong there should be a remedy. It is up to

us to produce the remedy, if apparently there is a wrong. Mr. Malcolm, of Palo Alto.

Mr. Norman E. Malcolm, City Attorney, Palo Alto: Mr. Chairman and gentlemen of the convention—I have listened with a great deal of interest to our friend Handley from Los Angeles. I am in touch with the legal department of Los Angeles, having just received a letter from your Charles S. Bonnell in regard to the tree situation in Palo Alto.

Upon the subject of Mr. Handley's address, we must realize that there has got to be some way of doing street improvements. We must realize, Mr. Handley, that on November 26, we have got to pay our taxes. Our present laws in the State of California are getting very near to perfection in regard to street improvements. I quite agree with Mr. Locke that some of those laws be struck off our statute books. I believe that the only law for street improvement is the Vrooman act. The law of 1901 which has been mentioned is very cumbersome. It is almost impossible to work under that act. The law of 1911 is so nearly the same as the Vrooman act of 1885 that I see no necessity of having those two laws upon the statute book. The law of 1885, commonly known as the Vrooman act, has been passed upon many times by our Supreme Court, and its provisions are well known and well understood.

Mr. Handley has spoken about the notice to property owners. If I am not mistaken, with our last amendment to the Vrooman act, there is a provision that, as soon as the resolution of intention is passed, the city clerk shall send a notice to all property owners whose names are upon the assessment roll, or that he can find. We know that the Vrooman act provides that street notices shall be posted at not a less distance than 300 feet upon the street. We know that, therefore, the property owner has 25 days thereafter in which to file his protest against the street improvement referred to. We have given him a day in court, in which he can come before the council or board of trustees, whichever it may be, and protest against the work. With this addi-

tion to the Vrooman act of sending notices to the property owner by the clerk, besides the posting upon the streets and the publication of the notices in the paper, I do not know where we can get a much better law than the Vrooman act.

Mr. Long: Mr. Chairman—I have been very much impressed for a number of years, as I think nearly every other city attorney in the State has been, with the necessity of so perfecting our street laws that all doubt will be removed in the mind of the contractor as to the possibility of his being paid for his work. Now, what is necessary to be done is to so perfect the existing laws, and especially and preferably the Vrooman act, by incorporating into it the best features in the act of 1911 and the act of 1901, to the end, first, that no assessment for street improvement shall be set aside by reason of any technical defect.

Now, the city attorneys have tried through a number of legislatures to have embodied in the law a feature which will permit a correction by a superior court of any technical defect in the proceedings leading up to the assessment for street improvement work. That is the most necessary and most desirable thing. In order that the contractor may know that, after he has gone to a considerable expense in the way of preparing for street improvement work, that he is not liable to suffer a loss by having the assessment knocked out in the beginning, or after the completion of the work, and thereby suffer a pretty heavy loss, as many contractors throughout this State have suffered by reason of the very narrow view which has been taken by the Supreme Court in the past as to the necessity of protecting property owners in their rights. That fact has only resulted in some property owners being relieved of the necessity for paying for improvements to their property, and other property owners being subjected to an unnecessarily heavy cost. Those who are willing to pay frequently pay for those who are not, in order to get street work done. One of the things that we want to direct our efforts toward is removing that doubt, so that the property owner

who is willing to pay does not have to pay for the property owner who is not, and so that the contractor can feel that he is secure when he is willing to perform his part of the contract. Too frequently city officials have felt that it was smart, and property owners have felt that it was smart, to repudiate their obligations, and hundreds of thousands of dollars have been lost by contractors who have honestly performed their work in this State, and the incentive has been offered to dishonest contractors to force the obligations on those who are willing to pay and make them pay for those who are not. Again, some means should be provided, as it seems impossible under the present state of our constitution to incorporate the Bancroft law in our laws, though it would seem a very desirable feature—some means should be provided to induce the contractors to bid with a feeling that the money, or a great portion of the money to be paid was in the hands of the municipal authorities to be applied to the payment of the work as it progressed. As Mr. Locke has pointed out, we have provided in San Francisco in our tunnel improvement work, one of the best features of the act of 1901. We are now operating in this manner: An assessment district is created. If any of it is assessed upon the property, the money on the assessments can be paid either in cash or ten annual installments. The ten annual installments, deferred payments, carry 7 per cent interest. The property owner has a right at any time within the period of ten years to pay up his entire assessment and avoid the payment of interest. For those who desired to make their payments in annual installments, they were required to sign waivers of all objections, legal or otherwise, which they might feel that they could be permitted to urge against the proceedings or against the letting of the contract or any feature of the proceedings leading up to the improvement itself. The waiver is not based particularly upon the proceedings, but is a contract based upon the consideration to the property owner that he is to be permitted to pay in installments, instead of being required to make one lump payment in cash. We are finding that plan

is working out satisfactorily. Take our Twin Peaks tunnel, out of four millions of dollars of assessments, nearly one-third of that money was paid in on the first installment. The contractor can figure definitely when he makes his bid, because the bids are not called for until the first installment is paid in—he can figure definitely as to what amount of money he knows will be on hand, and if he feels that he must discount this paper, he can make arrangements in advance for the discounting of it, and he knows exactly what discount he will have to pay, and what amount of money he can depend upon, and is not depending upon litigation, to cover the amount of the assessment, in order to be repaid for the work which he does. The municipality collects the assessment, it being collected by the tax collector and turned into the city treasury, and the fund is drawn upon by warrants given to the contractor as the work progresses, and we proceed under the ordinary contract law of the State, which provides for the withholding of 25 per cent of the entire amount of the contract until thirty days after the work is completed. Now, if we can work out in our amendments this year some improvement along the lines that I have suggested, first, as to removing the probability of upsetting the entire proceeding by reason of any technical defect which does not affect the substantial right of the property owner, and next, safeguarding the contractor to the extent of having the money or portions of it paid into the city treasury, on which we will then secure a better class of bidders upon our improvements and be able to get bids, something will have been accomplished.

Mr. Kirkbride: I want to ask one question of Mr. Long, as to what action is taken to notify the property owners, in order that they may have an opportunity to sign up these waivers.

Mr. Long: The only notice we could give was through the daily press, and where we were not required to do so, the tax collector did notify every property owner whose address he had on his books. There are some 16,000 property owners in this assessment district, and at the time the first assessment became

delinquent, I think there were less than 500 who were delinquent, and then of course many of those property owners were scattered all over the United States, and when we sold what property was delinquent for the payment of the assessment, wherever it was possible the city bid it in, and whenever they have come in within a reasonable length of time, we have waived the penalty. Of course, where the property passed into the hands of private bidders, we were not able to relieve them of the penalties. But there was no way of ascertaining the address of all the property owners, but they are constantly sending in, from all over the United States, and indeed some foreign countries. Of course, covering as it does, an area of many thousands of acres, and an ownership of between 16,000 and 17,000, as I remember it, I think the showing was a remarkably good one, for there were less than 500 who were delinquent out of that number of property holders, and nearly one-third of the amount of the assessment was paid in on the first assessment, many of them being paid up in full. The collection of interest on deferred payments is going to give us a larger sum for emergencies than the handling of the peculiar improvement which we expect to make. It may be possible to require a property owner within an incorporated city, whenever a change of title takes place, to require a notice to be filed with the State of California or with the city so there can be some list of property owners in the incorporated cities and towns. I don't know whether that has been suggested or attempted to be worked out.

Mr. Kirkbride: Has anyone else anything further to say?

Mr. Allin, of Pasadena: I want to talk upon one point, and that is that the pay for the work itself should be collected from the city. It has been humiliating for me to step into my street superintendent's office and have someone come in, perhaps an old man, or an old woman with a child in arms, and in all confidence and innocence ask if she might be able and permitted to pay a street assessment, and we have had to inform them that they might pay it in some office in the eleventh or twelfth

story of a building in the city of Los Angeles. Not only that, but I know of one assessment that amounted to thousands of different assessments that were paid in the city of Los Angeles by an officer who lived in the city of Pasadena. I say the assessment should be paid through the city in which the work is done, and the people should know no one but the city collector. The contractor should have nothing more to do than to receive the money from the city as it was paid to the city.

Another thing is that we should be able to charge for account work to the property. I am often asked the question, why doesn't the city do its own work? I have had to explain that it would take a large equipment. If we could start in by doing for account work, doing the work in a small way and charging it directly to the property, we could commence to build up a system and build up an equipment whereby the city might do a large part, if not all, of its own work. I do not believe in at one time buying the equipment and starting in to do this work. I believe the better way is to start in in a small way, and work up to it. We are doing work in Pasadena, resurfacing, and so on, work that was really cheap work in the beginning, at less than half the annual interest on the difference in the cost between cheap work and expensive work. And yet we have had no way in which we could charge that work to the people; we have had to pay it out of the general fund, and it has not been fair to the people who have put in expensive work, because we could not charge it to the people who were receiving the benefit. If this could be done in a small way, there are miles and miles of streets in our city that could be improved in a cheaper way and could be maintained year by year on a small percentage of the interest charged upon the amount between the cost and difference of the cost of the more expensive work. (Applause.)

Mr. W. C. Hammatt, of Hillsboro: While we are on the discussion of the Vrooman act, I would like to call attention to one manner of making the assessment which I consider extremely unjust. The general method of assess-

ing street work is to assess according to frontage; that is, the total amount of pavement of the street up to the center of the street is assessed to the frontage of the property. That also applies to the sewer work on the street. Now, there may be upon a block of paving a corner lot which pays for the largest amount of that paving, that will have on it an assessment many times the value of the lot. In fact, I have known in a great many cases where that has obtained. You take it especially in the case of a gore lot. That gore lot is not especially valuable, on account of its being a gore—in fact, they are very often of very small value on that account. Yet the assessment for doing the street work in front of that lot is out of all proportion to the value of the lot. It seems to me that the only just way of assessing the value of the street work or sewer work or any other work of that kind upon that lot, would be either on a square foot basis, or an assessed valuation basis; that is to say, that the whole work on that lot or that particular district should be valued and the assessment made according to its proportion of the total valuation, or else according to its proportion of the square footage, providing it is practically the same as the proportion of the assessed valuation. But the other method is, I think, extremely unjust.

City Engineer H. D. Chapman, of Richmond: The Association of Engineers around the bay had a committee appointed by Mr. Jessup, the chairman, to make certain suggestions of changes in the street laws, and we have made one or two that I would like to bring before the meeting. The first suggestion is that, in all places in the street law where it refers to the superintendent of streets, that should be changed to read the city engineer. Now I know that my experience with attorneys, and we have a good one in my city, is that you bring those changes up to them, and they usually say it can't be done, and that is all there is to it. The engineers and superintendents usually have no recourse—they have to take it at "it can't be done, and there you are." But I would suggest to the city attorneys that if a consulting attorney were put

on the job, you would feel very sorry if they put the marshal in to do the work. That is the experience that engineers have. In my town the engineer is ex-officio superintendent of streets, and we don't have that trouble, but other towns have a superintendent of streets and an engineer. The superintendent of streets may not be a valuable man, and may or may not know his business. The engineer is responsible for his plans, and he should also be responsible for the execution of them. You should let the blame rest with him if the work is not good. The suggestion is, then, to eliminate the superintendent of streets, and in some way either make the engineer ex-officio superintendent of streets, or change the measure.

Another suggestion is in regard to change of plans, and I think the attorney's will go up in the air on this suggestion. No engineer, no contractor that I ever knew of, ever built anything according to the plans that he originally started with. If you build a house, you make several changes in it. If you make additions, you pay the contractor for them, and if you reduce the expense, he usually allows you some reduction. Now, the city engineer is hog tied. He gets out a set of plans and he is done. He can't change. If there is a new material comes in that is better than the material he recommended, he can't adopt it. He could adopt it if he could put it over to the contractor, and the contractor would say: "That's all right. But don't say anything about it." But you cannot officially make any change in plans, if I read the law aright. We think the city engineer should have a right to make certain changes in plans after the resolution of intention has been adopted, and even after the contract has been signed; that is to say, changes to cover the introduction of any new material along the line of insuring first-class work, within a leeway of, say, not to exceed 2 per cent of the original contract price. It would appear to us that that is a right the city engineer should have. Perhaps it would be better to say that the council should do it, but there should be some method of changing plans to meet certain conditions that you do not know of when the contract is let. An engineer may, I

have never heard of one doing so, but an engineer may make a mistake in getting out his plans, and those things could be remedied, if that were permitted.

The matter of collections has been brought up. It appears to us that the city is called upon to do a great deal of collecting for the contractor. The contractor does not have to go out and make collections. The superintendent of street's office has to keep an open book, which may run for one or two or three or four years, adding on the percentage for delinquency, and the city gets nothing for it. It has never been paid at all for it. The city has to maintain assessment books, which cost a great deal. We have to keep a man on the counter all the time to take care of the assessments, and you get no pay for it. The contractor cannot turn his assessment over to an agent for less than 10 per cent or 12 per cent for collection. The city has to do it for nothing. Now, it appears to us that the city ought to get some compensation for it—1 per cent or 2 per cent, or something like that—to pay at least the cost of these collections.

In the matter of assessment under the frontage system, every intersection is supposed to be an individual intersection. It appears to me that those ought to be bunched. Now, this can be done under a district assessment, but if you do it under the frontage plan, each front foot of street pays, of course, a certain rate for the entire street, and including the corner paving, curbing, and so on. But when you come to put the intersection in, there may be a hundred yards of fill in this one and five hundred yards in that one, and a thousand the next one, and the engineer may run down this intersection with two or three culverts, perhaps at a cost of \$600, whereas he might just as well have run his trenches in the next street. That one crossing is assessed on the quarter block, and it increases the assessment of those quarter blocks very largely, and it seems inequitable.

Another suggestion was that protests signed by property owners should be made to show the property that they own on the street, and also their last address, so that the State of California, or somebody, can verify the proceedings and

see if they are the owners, and see if they are the people that have signed the protest.

I think that is all the suggestions we have.

Mr. Long: Mr. Chairman, if you will permit me just a moment. While listening to Mr. Chapman and not agreeing with him on a good many things and agreeing with him on some, I agree with him perfectly that the city engineer should be substituted for the superintendent of streets, and I don't agree with him that the city engineer should be given any power to change his specifications, and it is obvious to any attorney the reason why. The property owner knows his assessment is based upon investigations, and we have had enough worry getting a line of rulings that will protect the contractors and property owners alike, without amending the law and jeopardizing the law by putting this paragraph granting that power into the hands of the city engineer. I am satisfied that the city attorneys would be unanimous against it, because we don't think we could make it go when it comes to the manner of assessing for street improvements, to my mind our present system is unfair. I quite agree with Mr. Hammatt, who says it should not be done on the front foot basis, but it should be done on the district basis. I have always believed that any job a man had was just about as big as he made it, and just about as big as he chooses to make it, according to the amount of thought and work he put in it in connection with his particular task. And it has always been a mystery to me why engineers—I mean, particularly, city engineers—should not work out their problems in advance of having them presented to their city councils. I don't see why it is not a comparatively easy task—I won't say it is an absolute easy one—for a city engineer to see in advance, so far as the construction of a possible improvement of property is concerned, of any action by either the citizens or his city council—why he cannot study the problems, the possible improvement in the various directions in which his city is growing, so that when he is asked to prepare plans and specifications for street work and street improvement, he can be able to approach the task after having made

some survey of the situation. And the assessment of public improvements should be based, the cost of them, upon the benefit to the property affected. It certainly is not right that in a thickly settled section of a community, where property values are higher than property on the same street is, say, a mile away, should pay the same amount of cost for street work, the one as the other. The property having the higher value should pay in proportion to its value, and the property at the end of a street a mile long should not be required to pay the same amount for its street improvements as the man at the other end whose property is only one-eighth or one-tenth the value of the first mentioned piece. Because the man with the property of higher value gets almost as much value from the improvement as the man with the low value, and if it could be worked out on a system of benefit and the creation of an improvement district whereby the property of higher value should bear the greater proportion of the cost, and if we could work out a system by which, in the respective sections, the amount of street work necessary to be done, should be less than that in the business sections, where the paved portion could be narrowed and the property owner could have the use of that portion of the street between the sidewalk line and his property line, upon condition that he keep it up, either by way of having trees or lawns, or something of that sort, we would make a distinct step in advance in city planning, we would cause more improvements to be made, and the property owner would have very much less of a tax.

Mr. Chapman: Mr. Long bears me out in my high estimate of the city attorneys when he says it can't be done.

Mr. Long: The Supreme Court also says so, Mr. Chapman.

Mr. Chapman: It has just been stated that the Supreme Court is very narrow, and those decisions can be changed also.

Mr. Long: I am afraid we will have to pass that up to the engineers, to get that changed.

Mr. Chapman: Then they will have to be changed. The city engineer labors under this disadvantage, that he is tied down. New material coming into the

market cannot be adopted. It may be three or four times better than the material already advised. You do not always increase the cost of work by making changes. You might decrease it, cut out a culvert here, and for the betterment of the job as a whole. You might decrease the cost of construction, just the same as you would in any machinery construction—changing the location of drills or wheels or machinery. Those things are frequently built up as you get to them. It is always better to be able to remedy an apparent defect, or better a certain construction, if it appears that the betterment or remedy can be made when you reach it.

Mr. Long: That is one of the troubles in doing municipal work.

Mr. Chapman: And that is where I say the city engineer labors under a disadvantage, which ought to be remedied if it can be done.

Mr. Long: There is no way of doing it.

Mr. Robertson, of Los Angeles: I want to say that I appreciate very much the remarks of Mr. Chapman in regard to the desire to make certain changes after the proceedings have been instituted. But the great difficulty has always been with the engineers in making those changes that, when the changes are made, there is always a large increase. So far, I have never been able to find a decrease. There have been occasions where, undoubtedly, if some authority were given under the law, changes could be made, a better improvement might be obtained. I have in mind several instances in which proceedings were started, and conditions on the street were changed by floods and otherwise. Now, under those conditions, it would make a large difference in the improvement itself, it might be an advisable thing to have the authority to change the plans or specifications to meet the new condition. But under most ordinary circumstances, in most all street improvements, I see no reason for making any change after the improvement is instituted, for the reason that the engineer can plan out his work just as well at one time as he can at another. Now, turning to another matter, there have been many suggestions made, but I would like to offer two or three for consideration. Namely, in

these various improvement statutes, a provision should be inserted fixing the time at which these proceedings could be abandoned. Perhaps many of you have had the experience that, after the time of protest has run, and the matter is before the proper officers for the letting of contracts, many people appear and raise new objections or propose old objections. The legislative body of your city may have a great deal of sympathy with what they have to say, and really wish to abandon the proceedings, either to get rid of them entirely or to start new proceedings along a different line. Under the act of 1913 and the act of 1911, and also the Vrooman act, it is very dangerous to amend in those proceedings without the consent of the contractor and those interested, and it seems to me that there is a certain point which might be defined or determined, where the legislative body would have the right to abandon those proceedings.

Mr. Kirkbride: Do you mean after a contract has been actually let?

Mr. Robertson: Not necessarily, but prior to the time the contract is let, the provision could be definitely inserted that you can abandon the proceeding. After the contract is let, if it is thought necessary, a provision could be inserted that a certain time after the letting of the contract, which would be before work was actually commenced, that is before the contractor had gone to any expense, the proceeding could be abandoned, or a provision inserted that the contractor's consent should first be obtained.

Now, with reference to general improvement laws and the right to protest: It has been suggested by some of the large property owners in Los Angeles that perhaps it might be a good idea to work out a statute where, when an improvement was proposed, for instance, the paving of a street, that notice would be given to property owners whose property was to pay the assessment, to the effect that the city proposes to make a certain improvement by paving that particular street, not necessarily specifying the kind of pavement, but just that it was an improvement, and in order that the property owners might come in and express their opinions as to whether or not they wanted any im-

provement upon that street at that time or some other time—make your protest against the improvement itself, not against the different kind of improvement. One difficulty that we have, and I presume it is true of all the cities, the larger cities, anyway, through the State, is that when the proceedings are instituted, they are usually instituted on petition of the property owners. Our council has adopted a resolution that it will not institute any proceeding unless a majority petition is first filed, the theory being that the property owners who are to pay for that improvement are the ones most interested. It also happens in Los Angeles, as in other large cities of the State, that there are several paving companies. Each of those paving companies maintains a bureau, and in that bureau there are one or two individuals whose duty it is to circulate petitions in order to get signatures for the improvement of certain streets. When those petitions are filed, if it is a majority, the opposing company comes in, and then the row is on as to whether it is to be sheet asphalt, bitulithic, or some other of the various kinds of pavement. Now, if notice were given that it was the intention of the city to pave Broadway from First to Tenth, the property owners would have the right to come in and say, first, whether they wanted that street paved, and if they wanted it paved, what kind of pavement they wanted, without the necessity of being called upon by the man who proposes to do the work. Now, that might be advantageous to some of those who are interested in that particular line of improvement.

Mr. Sutton: There are two improvements that I think are required, if no others. Under the repairs section, Section 31 of the 1911 Improvement Act, the council is given authority to make repairs where necessary. But there is no means provided for the collection of the cost of those repairs. The cost should be borne by the owners of the property, and some means should be provided that the cost of those repairs should be collected by assessment.

The other amendment is in reference to railroad property. Where the council of any city has ordered any improvement to be made, then it follows the railroad company are in duty bound to

do that class of improvement. But there is no provision made where a street has been improved by a private contract. The council has no authority over the matter at all. They have no way to order the improvement made, and yet the private individuals have done their work. We have a case of that kind.

Mr. Jessup: There is one amendment I would like to call attention to that has already been alluded to by Mr. Allin of Pasadena. There are certain provisions in our statute for public work to be done by private contract. I believe it would be a good provision, as was intimated by Mr. Allin, that the collection of those assessments under private contract should be made in the same manner that public assessments are collected, and that some penalty be provided for non-payment, or for granting rebates or special provisions, in order that the small holder might be protected. I think that is a very important thing that might be worked out. In regard to providing district assessments, I am quite sure I don't understand what Mr. Long was driving at.

Mr. Long: District assessments.

Mr. Jessup: For street improvements?

Mr. Long: Yes.

Mr. Jessup: That is what the law already provides, that the work can be done under district assessment, and that the assessment shall be made out in accordance with the estimated benefits.

Mr. Long: I say, that is my theory.

Mr. Jessup: But that can be done under the present law, wherever there is any doubt about the possibility of making the assessments equal, a district assessment plan can be adopted. That is very frequently done in Berkeley, and I am sure it is done in other cities, where it is decided to distribute the assessment in accordance with benefits.

Mr. Long: That is the right theory.

Mr. Kirkbride: We have the financial problem to face, as well as these other matters connected with the doing of the work. We are all of us more or less dependent upon the friendship of contractors. The League, through the secretary, invited a committee from the contractors which met in San Francisco the other week to be here with us, and if they had any amendments to suggest

to these acts, that we would be pleased to consider them, because we wanted to take this matter up in a proper way, and, if possible, frame such amendments as may cover all objections. Therefore, if no objection is made, the chair will call upon the representatives of the contractors, as voiced by their committee, to state whether they have any concrete propositions to put before us, other than what has been covered by the remarks already made. Mr. Seagrave, have you anything to say that has not been brought out?

Mr. Locke: Before Mr. Seagrave takes the floor, in order to conform to the rules of the organization, I move that it be the sense of this body that we now hear from the contractors.

The motion was seconded and carried unanimously.

Mr. Kirkbride: Now, Mr. Seagrave, may we hear from you?

Mr. Seagrave: Mr. Kirkbride and Gentlemen—I am not a contractor, therefore I am not speaking entirely from the contractors' standpoint. But a week ago the contractors and material men, upon a call from the Material Men's Association, did hold a meeting at San Francisco, at which Mr. Locke was present, and we brought out the difficulties in connection with this matter, chief of which was the getting of the money, and we found that during the last two years the bonds have continued to drop in value, until it was necessary to try and get the money outside the State of California. In any volume, that is impossible under present conditions. The rate of interest is 7 per cent and 8 per cent here as against 6 per cent in other States. Still, it is not attractive to bond buyers. I took this matter up a year ago with a gentleman of the Middle West who has been selling improvement bonds of the State of Indiana as well as the States of Iowa and Illinois for about eight years, and he has a clientele now which is receiving an enormous quantity of bonds of those sold, to the extent of two or three million dollars a year. He naturally desired to continue to enjoy that trade. The cities of the Middle West are not producing any substantial volume of bonds at the present time, so we urged him to come to California, to see if we could not supply him with more than

enough bonds for his trade. He came and spent considerable time and considerable money, and returned to Chicago with the announcement that he would not touch the California bonds. There were many reasons, legal reasons, for that, and I would rather not touch upon that phase of it until I have acquainted myself thoroughly with it. But I do make the statement that, if we could make the bonds of California as attractive as the bonds of other cities and States, that they could be sold substantially at par, and could be sold on the basis of 6 per cent. As Mr. Long said, our property owners here pay 7 per cent, and in some cases they pay 8 per cent. In addition to that, in the case of the work, they have paid a discount on the contract, and so they pay from 7 per cent to 15 per cent.

I am not going to suggest a remedy. A remedy should be found. Other States have found it, and there is no reason why we ought not to do so.

There are just two more things: Where a man has a piece of property which is bonded, under the present laws for improvement, that bond, as I understand it, takes precedence of a mortgage which may exist on the property, and yet you can't sell the man or the bank who owns the mortgage a bond which is ahead of him. That is a peculiar situation, to say the least. The second thing is that the contractors cannot carry this bond, the material men cannot carry it. We are all rich, of course, but there is a limit, and the time is reached when, in order to carry the improvements in the State of California in the volume in which they have been carried on and probably will continue to be carried on, the bonds must go outside the State for sale. You can sell them to individuals, and they are sold to individuals, but you can't sell them in a block, for instance, to any of the large banks of the East.

I think your work will be done at least 20 per cent more cheaply, and from an interest point of view even more than that, if you will make your laws to conform to the laws of other States, which will allow those bonds to be sold in the open market of the United States, as they can be sold today.

Mr. Kirkbride: Is there any other representative of the material men or

contractors who would like to be heard?

Mr. George L. Dillman, of Alameda: Mr. Chairman—I would like to say something from the contractors' standpoint on the matter of collections. While I am not an authorized representative of any firm of contractors, I have considerable practice among them, and quite recently in San Francisco there came up a contract that was desirable for many reasons, that is, the Twin Peaks tunnel. One firm of contractors employed me to look into the matter, and we spent about \$2500 in examining into the affair, and then decided not to bid, because, while there was plenty of money to start with, and there would probably be plenty of money as the work progressed, the outcome would have been possibly and very probably a large delinquency, involving all the profit, and then some, and an indefinite time for collection. Contractors do not want interest on investments. They want their money to use in their business. That is one reason, or I will say that is the reason, why one firm of contractors did not bid on that special tunnel, and that is the reason why they do not bid on a good many things, that is to say, doubtful collections. If there are changes in the law which are to be of benefit to the contractor and of benefit to the owner by giving him lower prices on work, let it be signed, not after the first assessment, but the last assessment, or let the last payment be made secure to the contractor, and in that way you will get lower bids on work and better contractors on the jobs.

Mr. Carl Brueck, of Stockton: Mr. President—I am a better buttonholer than I am talker before an assemblage of men like this. In other words, I think I can put my arguments before Mr. Locke and Mr. Kirkbride better than I can in an open meeting. Nevertheless, I was quite interested in some of the arguments that were made this morning.

We find that the great desire of attorneys always has been, is now, and probably always will be, to put a great big Chinese wall around the interests of the individual property owner, so that he will be protected. The statement was made by Mr. Chapman, who is not an attorney but an engineer, that the city should get some percentage from the con-

tractor for making the collections, that the contractor has got to pay out some ten to twelve per cent to some individual collector for the collection of his bills. I wonder how much Mr. Chapman thinks the contractor makes on his contracts. I wonder how much our good city officials sometimes think the contractor does make upon his contracts, when they figure that the contractor can pay this and the contractor can pay that, and the contractor can pay the other thing. You are all trying to protect the interest of the property owner, at the same time shoving the expense upon the contractor and continually forgetting the reflecting cost for the property owner through the contractor. If the contractor has to pay the city 2 per cent for making its collections, it is going to add 2 per cent again on its contract, and that goes against the property owner. If the contractor, according to the idea of Mr. Chapman is to pay 10 per cent to its collector for making its collections, I want to say he does not do anything of the kind; however, that 10 per cent will be added to his contract price, and it becomes a charge against the property owner. If the contractor has to discount his bonds from 5 per cent to 15 per cent, and he figures that 40 per cent or 30 per cent or 60 per cent or 70 per cent of his contract goes into bonds, he is going to figure that discount against the property owner. I believe that the only thing for this body to consider in the way of protecting this property owner is to put the security that it is giving to the contractor upon such a basis that investors like it, that the contractor can go right off and get rid of it, and then by so doing, the interests of the property owner will be protected in dollars and cents. (Applause.)

Another feature: the very fact that the contractor is made the collector of his own contract money, and has to collect it from the property owners—and a good many of the property owners think it is a fine job to get one on the contractor and beat him out of his money—the very fact that he has to make those collections, puts the property owner in the position to fight, not the city who orders the contract work done, but the contractor who takes the orders of the city in doing the work. It is a condition

of things that should not exist. It is a condition that the cities, through the legislative powers, should remedy. As suggested by Mr. Handley, there should be a law passed that the city should go to work and regulate those conditions themselves, and if they can regulate those conditions themselves, they can make it so that the contractor would not have anything to do with the property owner at all. The contractor should not be placed in a position where the property owner, by reason of some little technical defect which he has found in the proceedings, yet, and as suggested by Mr. Seagrave here, for which the contractor is not responsible, where he could say to the contractor, "If you want me to pay this, you will have to give me a discount of 10 per cent or 15 per cent, and then I will pay it." Those conditions are coming up right along. I recognize the fact that you gentlemen here are lawyers, engineers, and city officials. You do not come in contact with the actual practical administration of the law itself as does the contractor. You can only see it from one point of view. The lawyer sees it from the point of view that the law must be so construed that the Supreme Court will render a decision as to its validity; also that there shall be a day in court. The engineer looks at it from the standpoint that he shall have, as engineer, authority to name the time and the class of work to be performed. The superintendent of streets looks at it to see that he shall have power to say to the contractor, "You have got to do what I want you to do. Never mind what the specifications say, but I want you to do it that way," and if, perchance, after the work is done, the job does not actually meet his expectation, irrespective of whether the job has been according to the specifications or not, he says, "This is not exactly up to my expectations, and I don't like it," and then he would like to hold the contractor up two or three, and sometimes it is four months, and it is \$250 a month interest, and those four months amount to \$1000 in interest on the contract. Those are the conditions that the contractor, from his point of view, in the application of this law, has got to meet, and those are the conditions that the contractor, on the average, is meeting,

and those are the conditions that militate against the pocketbook of the property owner.

Change your law so that the cities shall be responsible to the contractor when he gets the contract, and make it so that the city is buffer between the contractor and the property owner, because the officials of the city represent the individual property owner; they do not represent the contractor. As a superintendent of streets told me, "I am here for the purpose of protecting the interests of my constituents," and I said, "You are here for another purpose; you are here to also represent the interests of the contractor and the specifications as given and see that the contractor does his duty, and when he does his duty, you are bound by your oath of office to see that the contractor also gets a square deal."

I want to say that we are operating in Oregon, and we are operating there under the law known as the Baneroff Act. The Oregon cities control their street improvements practically by charter. In Oregon there is no such law as we have in the 1911 Act or the Vrooman Act. The State law there provides that the charter shall regulate that according to their own liking, and I think it is a good proposition. In some of the cities they simply pass a resolution of intention that they propose to improve a certain street and fix a day of hearing of protests or for expressions in favor of doing that work. That is practically the only publication in some of the cities in Oregon. A hearing is had and the city officials have, under the charter, the right to go on with the work. Some cities, of course, recognize the grounds of protest, and other cities can go on even though 99 per cent of their owners protest, because the powers vested in the city authorities are to judge for themselves as to what is the best interest of the community. You know and you have had experience, time and time again, that certain property owners would object to paving the street, it makes no difference what public interest there might be. They are selfish in their purposes, they love their money so much that they would like to count it over every night before they go to bed, and sleep with it under their pillows. They

are so selfish in those matters they can't possibly concentrate themselves in the public interest. Consequently the laws of Oregon are looked upon as conferring this right upon men of judgment, who are honest until they are found otherwise, whereas in California we have made our laws in such a way that the city officials are presumed to be dishonest, and if they are found to be honest they get a recall.

Now, in Oregon, when the work is done, the assessment in dollars and cents is put up against the name of the holder of the piece of property, and it makes not a great deal of difference whether he happens to be the exact owner, or not. It is an assessment against the piece of property, and they get notice that way. Within ten days after the first publication of that notice, the people have got to pay in cash or make their application for bonds. Now, the people of Oregon are given the privilege of paying for the work in ten equal annual installments, if they desire. And if they do, the bonds are issued by the State, so payable. The assessment against the property is not released—the city itself issues a certain amount of bonds equalling the total amount of those applications for installment payments. Those bonds are, to a certain extent, quasi-municipal; they are really to a certain extent a pledge of the city, the property owners having assessed property to the city for the payment of those bonds. Those bonds bear 6 per cent interest. When we first started to operate in Oregon, it was said that the bonds of the city would not be worth 90 or 85—no one would guarantee the people 90 cents on the dollar on those bonds. We took a chance and saw some other contractors who had been operating for some time, and we felt if they were willing to bid on the work, we ought to be willing to bid on it, too. So we added a given amount for discount on those bonds. It was approximately five and one-half per cent. The contract was awarded to us, and the first lot of bonds that were issued we had to sell for 94, and we sold them to an Eastern concern, and the first time the Eastern house came into Oregon for the purpose of buying bonds. Inside of three years that discount had been reduced to two and two and one-half per cent, according to

the population of the cities. At the end of the work the contractor gets his total money, by reason of the sale of those bonds. The payments are made to the contractor monthly equal to 80 per cent of the work done in any month, upon warrants issued by the city, which warrants bear six per cent interest. Those warrants are unquestionably good, and the banks are very glad to get them as security, and in some instances buy them. Gradually this thing has worked around so that, inside of five years' time, the Portland banks are now seeking for those bonds of the various municipalities in the State of Oregon, notwithstanding they had first told us they would not be worth more than 85 or 90, due to the fact that they are supported by the pledges of the city, and due to the fact that they are of even denominations, either \$250 or \$500. There are warrants issued in the first place, and then they are exchanged for the bonds. The law provides that the bonds must be sold for par plus accrued interest, and consequently they bring not less than par, and in some instances those bonds have gone as high as 102.

It is a different situation that we have here. We have been trying to induce the Eastern banks with whom we have been dealing on the Oregon bonds, and the Portland banks, in our California cities' work. One of the large banks of Cleveland, Ohio, had a representative spend two weeks in San Francisco, and the adjoining towns, going around from town to town, and they say the locations of property here, so far as property is concerned, are superior to Oregon, and yet they will invest in the Oregon bonds but won't take the California bonds. And why? Simply because there is no stability behind the California bonds, and stability, as they are looking for it, is not stability of property, but the fact that there is a stability of the bonds such that the chance of loss is infinitesimal.

Now we say, under the act of 1911, that the bonds shall be incontestable unless the parties prior to that time have made a protest. Yet there is a clause in the 1911 act, the same as in all the other acts, that it does not go to the jurisdictional proposition involved in the resolution and intention and notice of street

improvement. If there is a little flaw in there, a man does not have to protest, because it is a jurisdictional question, and that they can ignore them even for the full ten years of their existence. Consequently the Eastern people say, "We don't want any of your California bonds." It is a simple matter which has been discussed time and again with several of the attorneys here, and it is a question of making these bonds incontestable by changing the method of issuing them. At the present time, bonds are issued simply as a matter of technical form. If our law were changed along the line as explained by Mr. Long a little while ago in connection with the Twin Peaks tunnel work, where the property owners have got to come and make application for the privilege of paying their investment in five or ten annual installments, and have to sign a waiver against any possible objection which might be raised at any time, why, then there would be a liability as against the land. And under this plan they pledge their property as a mortgage to the city, and the city then pledges it paid as security to the security holders. There is the crucial point in the whole proposition, that you haven't the security that you can offer the public, a security that is fundamentally secure. If you will change your law so that those securities will be fundamentally secure, there is no question but what Eastern capital will come into this State and be glad to get into this State and buy these securities, and our public improvements can continue, and our public improvements can be doubled, trebled, quadrupled, within the next year or two, if you will do that one thing.

Now, gentlemen, you have always looked at it from one point of view, and I thank you for the opportunity, and I am glad to present this matter to you from the contractors' point of view. You have always had an idea that, if you can put it over on the contractor and not have to pay for a certain piece of work, that that is a gain. But you have forgotten that it is very certain that that contractor is going to remember, the next time he bids, and the second man is going to have to pay for some of the recalcitrants among the property owners in the previous contract.

Now, remember that whatever you do to the contractor, you are doing to the property owner. Whenever you go to work and scotch the contractor you are scotching the property owner. Don't forget that. Put the bulwarks around the whole proposition, and say it shall be a municipal matter, that if the contractor makes a bid upon it, make him do the work according to the plans and specifications, pay him for his work, and the property owner surely can't be protected in any better way than to look out for his finances as well as for the proper doing of the contract.

I don't believe that our present laws are at all what they should be. Let us get at this proposition. I trust this league will appoint a committee, and that that committee will be composed, not only of attorneys, and the Lord knows I have the greatest respect for attorneys, because we need them; we need them in our daily walks of life, and we need them to keep us out of court more than to get us out of court. The best advisers we have are the attorneys who keep us out of court. But from another point of view, have the committee composed—or, if the committee is to be composed entirely of attorneys, let them get into consultation with the engineering department and with the administrative departments of the cities. Have somebody upon that committee from the board of works, who sees the actual operation of the law as applied by the officials to the property owners and the contractor. Thirdly, get the other point of view, that point of view of the contractor, who must operate under the jurisdiction of the law and under the direction of the officials, under the law. Fourthly, I believe it is very essential for the future welfare of our city to have upon that committee, or have in consultation with that committee, the men who represent the finances of this State, so that they will be satisfied and say: "If this or that law is adopted, as you state, we will buy the securities."

Mr. Seagrave made mention a little while ago, how strange it is how a piece of property upon which a bank will loan money, the same bank will refuse to purchase the bonds for improvements upon it. I have an experi-

ence with a piece of property upon which I had to foreclose a mortgage under those bonds, and I believe it is a splendid idea that Mr. Handley represented to this body, and that is that the property should not be sold under foreclosure, but it should be treated the same as in any tax sale, save that the city shall buy that property and in that way protect the property owner. That is one of the meanest provisions presented here. We had a bond against a certain piece of property, and the owner of it died. The son was a rich man's son, and knew nothing at all about business, and didn't care about business. The bank had loaned some money on it and took a deed of the property in settlement of its mortgage, with the understanding that, within a given length of time, the man would have a chance to redeem his property. When he died, they got a little leary of that proposition, so they considered the deed more or less a mortgage, and they brought an action to protect their title. In the meantime, no payments were made upon the bonds, but they were first class and they were advertised and sold and we took them in. We didn't buy the billionth part of it. We bought the whole piece of property, and we got it, and the time for redemption of the mortgage expired in September this year, and our redemption time expired in February of this year. Consequently there was the difference between February and September that we had the advantage of the bank. The bank would not take that bond, but after we foreclosed on it, they referred it to their attorneys, and the attorneys studied the matter and went back to the bank and said: "You had better take those." But they said they did not want them, and it was only after I said I had a redemption on this property above them, and said: "You will be down and out, because the twelve months' time will elapse and I will take possession of that property and I will hold possession as against you," that they saw the point. Why does that condition exist, that they will not take these bonds, when they will loan money on the very piece of property itself? It is simply because the people of this State haven't confidence in our improvement bonds. They

think there is some chance whereby the property owner can still slip out. I don't believe that that should be. As Mr. Handley says, the contractor should be protected by the State.

Now, why is it and what is the reason for it, that the city will step in and force an improvement, possibly contrary to the wishes of the people, at least a good big minority of the people, and enter into a contract with a contractor, force this contractor to do the work, and then, just at the crucial moment, when the paying time comes, go and coat themselves with a lot of sweet oil and slip out from under and leave the contractor high and dry with a lot of assessment liens on hand, with directions to collect them if he can? I believe the time has come, and it seems to me the consensus of opinion of attorneys here represented is that way, that this principle can be made a fundamental principle of our street improvement work in this State, and if it is done, I venture the assertion that the rate for improvement work will be reduced quite considerably, and the people will be satisfied that they are going to get a square deal from the official more likely than they will from the contractors or the men who have purchased those bonds upon the principle of getting an advantage over the property owner through a foreclosure proceeding. It is a matter of much concern to officials, it is a matter of more concern to the individual property owners, to have this act changed so that the fundamental principles of the securities arising out of our street work shall be of a kind that they will be attractive, not only to our local investors, but to our Eastern investors.

Mr. Kirkbride: The time for adjournment has arrived. The chair will entertain a motion to appoint a committee from the attorneys' section and a committee from the section of engineers, councilmen, and street superintendents to take up this proposition.

Mr. Frank Berg: Mr. Chairman, why not take one or two of the contractors in—could it be done?

Mr. Kirkbride: The point is, I feel it would take at least five lawyers on that committee.

Mr. Berg: The reason I suggest it, is when it comes time that you want to go

before the legislature, you should by all means take Mr. Brueck along, because I don't think there is one man in the audience here today who does not agree with him. We are all convinced that there should be changes, and that Mr. Brueck, though he started out by saying that he couldn't make a speech, has put the thing just right. I am very sorry I can't make one, but if I could do as well as he did, I should be satisfied. If he goes before the legislature in that committee, I know it will be unanimous.

Mr. Kirkbride: I certainly agree with Trustee Berg with reference to Mr. Brueck's capacity as a speaker.

Mr. Greene: I move here that a committee of five attorneys be appointed

by the city attorneys' department, and a committee of five be appointed by the president of the state engineers' association, to form a joint committee to prepare a new improvement act, or an amendment to the present improvement act, embodying as far as possible the suggestions made at this meeting.

Mr. Hall: I second the motion.

Mr. Berg: I want to take exception to the amendment—they are all of them out—make new ones.

The motion was put and carried unanimously.

Mr. Kirkbride: The committee will be announced later on. If there is nothing further before the body at this time, we will stand adjourned.

TITLES OF NEW ORDINANCES RECEIVED

Wharves, Piers and Bulkheads, establishing rules and regulations for. San Diego, 13-B.

Garbage Dumps, requiring fencing of. Marin County, 14-A.

Traffic on Streets, regulating. Tulare, 14-B.

Pound Ordinances, amending. San Diego, 14-C.

Lights on Vehicles, regulating. San Mateo County, 14-D and 20-A.

Removal of Buildings, amending ordinance regulating. San Fernando, 14-E.

Curfew Law, amending. San Diego, 14-F.

Public Dance Halls, amending ordinance regulating and licensing. Sacramento, 14-G.

Driving on Sidewalks, regulating. Orange County, 14-II and 15-C.

Cash Rental for Use of Streets by Railway Companies, determining and fixing. Sacramento, 14-I and 15-A.

Speed of Motor Vehicles, amending ordinance regulating. Riverside, 15-B.

Meetings, fixing time and place of. Coronado, 15-D. San Mateo, 20-B.

Water Works Department, specifying commissioner in charge of. Sacramento, 15-E.

Establishing Curb Line and Line for Border Trees, establishing. Covina, 16-A.

Contract for Garbage Disposal, authorizing the execution of between cities. Alhambra, 16-B.

License on Outside Laundries, imposing. Coalinga, 16-C.

Approving Maps or Plats, requiring certificate of payment of street assessments. Venice, 16-D.

Saloons, limiting number to four. Venice, 16-E.

Garbage, Offal and Manure, prohibiting depositing within 1000 feet of residence or school. Hoquiam, Wash., 17-A.

Pound Ordinance. North Yakima, Wash., 17-C.

Business Licenses, establishing. Venice, 17-B.

Water Rates, regulating. Tracy, 17-D.

Theatre Aisles and Stairways, prohibiting standing in. Venice, 17-E.

Accidents, regulating the report of. Venice, 17-F.

Fire Hydrants, regulating the use of. Venice, 17-G.

Intoxicating Liquors, regulating the traffic in. Napa County, 18-A.

Telephone Franchise, granting. Hoquiam, Wash., 18-B.

Intoxicating Liquors, regulating the keeping and dispensation of. Selma, 19-A.

Milk and Milk Products, relating to the keeping, use and sale of. Sacramento, 19-C.

CITY CLERK HONORED

(From the Mill Valley Record, Nov. 28th.)

Challenging the truth of the old saying that a prophet is not without honor save in his own country, nearly two hundred people met on Tuesday evening at the Outdoor Art Club to witness the presentation to Town Clerk Dorsey, the diploma of the California League of Municipalities.

It will be remembered that in a competition held under the auspices of the League at Del Monte October last, Mr. Dorsey's system of municipal accounting, as installed by him in Mill Valley, won not only the award of the judges but also the highest commendation from the State controller, and other competent authorities on municipal accounting.

The ladies of the Outdoor Art Club very generously gave the use of the club building, which was tastefully decorated for the occasion.

Mayor Jones, after introducing Mr. Loeke, the representative of the league, in a few appropriate remarks expressed the gratification felt by our citizens at the honor conferred upon Mill Valley

by the award, and voiced his regret at the absence of the city attorney of San Francisco and other invited guests who, at the last moment, found themselves unable to be present.

Under the direction of Mrs. Dorsey a very select musical program was rendered.

At the conclusion of the musical program, Mr. Loeke, in a very interesting speech, briefly sketched the history of municipal government in the last fifteen years, the introduction of the commission form of government, the improvements that have been made, and the purposes of the California League of Municipalities in this direction. The speaker concluded by formally presenting the diploma to Mr. Dorsey, who suitably expressed his appreciation of the honor.

Following this ceremony, a very appetizing supper was furnished and served by the wives of the town trustees as their contribution to the evening's entertainment. Needless to say, their generosity met with the fullest appreciation.

League of California Municipalities Bureau of Municipal Reference of the University of California.

*This is to certify that Horace Dorsey
Clerk of the town of Mill Valley was awarded
the First Prize for the best Accounting Book
exhibited at the Seventeenth Annual Convention
of said League which was held at Monterey,
California, October 12th to 16th, 1914.*

John A. Chambers
STATE CONTROLLER
William Dyer
CITY CLERK, SAN FRANCISCO
N. S. Clark
CITY CLERK, PASADENA
Frank A. Frost
CITY CLERK, 1901
CITY ATTORNEY, MONTEREY

Committee
of Award.

Francis Long
President,
League of California Municipalities.
Dr. W. H. Henshaw
Director,
University Extension Division,
University of California.

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∴ What Our Pacific Coast Cities Are Doing ∴

Alameda will receive bids Dec. 1 for one motor-driven combination chemical engine and hose wagon. On same date bids will be received for an automobile for the use of the Police Department. On December 15 bids will be received for one road machine to comprise a scarifier, grader and sectional roller.

Auburn will receive bids Dec. 2 for laying sidewalks, curbs and gutters on portion of Cleveland Avenue.

Azusa has voted bonds for a lighting system.

Bakersfield received bids November 25 for 500 feet of rubber covered hose.

Benicia has voted \$10,000 to connect present street pavements with the State Highway.

Burlingame received bids November 23 for improving portion of Morrell Avenue by paving with asphaltic concrete; also construction of curbs and gutters and corrugated iron culverts.

Chico has ordered construction of 1,139 feet of sidewalk in District No. 2.

Colton has voted \$80,000 for a new school house.

East San Diego has instructed city engineer to prepare plans for 30 miles of sanitary sewers.

Etna will shortly advertise for bids for construction of sewer system.

Exeter has had plans prepared for a Carnegie library at cost of \$5,000.

Fresno has been advised to install a new alarm system. Fire department recommends that twenty-five new fire hydrants be installed in various parts of the city. On November 30 bids were received for construction of Webster school building at Augusta and Green streets. Bids will be received on December 11 for construction of two-story brick school house to be known as the Kirk school.

Fowler trustees may purchase a carload of 6-inch sewer pipe.

Glendale received bids November 23 for improving part of Canada boulevard by oil macadam paving and the construction of cement sidewalks, curbs and gutters.

Glendora will receive bids December 7 for improving portion of Meda avenue by constructing macadam pavement, curbs, gutters, sidewalks and one concrete culvert.

Hayward is contemplating the purchase of fire apparatus at cost of about \$4,000.

Hermosa Beach has voted \$10,000 for a new city hall.

Hillsborough, Burlingame and San Mateo may construct a garbage incinerator jointly.

Hillsborough received bids November 17 for grading, paving with macadam and placing an asphaltic wearing surface on Hillsborough boulevard.

Hollister board of supervisors received bids November 2 for improvements on Hollister and Cienega road.

Holtville received bids November 24 for the construction of a sanitary sewer with disposal plant. Bids were received separately for the outfall sewer for which bonds were voted to the amount of \$33,000. Lateral sewers will be constructed under the Vrooman act.

Huntington Beach has passed resolution of intention for the paving of seven streets with concrete.

Huntington Park is contemplating the paving of portion of Irvington avenue with concrete base and Topeka wearing surface.

Imperial Valley has voted \$3,000,000 for the purchase of the entire water system supplying the valley.

Lemoore is contemplating the calling of an election to vote bonds for a city hall; also for fire mains.

Lindsay wants to purchase a second hand horse-drawn sweeper.

Lodi Chamber of Commerce is in favor of an appropriation of \$15,000 to build six miles of road between settlement and the Mokelumne river.

Long Beach received bids November 23 for improving portion of Maine street.

Los Angeles board of public works received bids November 30 for the construction of a reinforced concrete Imhoff sewage disposal tank at Wilmington. Board of education received bids November 12 for construction of mining and assaying building for the Polytechnic high school. Bids will be received December 14 for furnishing electricity and maintaining lights in Newhall lighting district. On November 23 bids were received for constructing and grading oil macadam pavements in the Santa Fe Springs extending through Norwalk to Orange county line.

Monrovia has voted \$15,000 for street improvements.

Oakland board of education received bids November 17 for program clock and bell system for the Oakland school district and the Oakland high school district of Alameda county.

Ontario will receive bids for paving portion of Euclid avenue with asphalt wearing surface and macadam. Bids to be received on December 15.

Pasadena received bids November 17 for constructing oil macadam pavement on por-

tion of Orange Grove avenue. On November 24 bids were received for constructing oil macadam pavement on portion of Glenarm street.

Petaluma is considering proposition of constructing a sewer in East Petaluma.

Porterville will construct several miles of cement sidewalks this fall.

Portland received bids November 13 for one five-passenger automobile for use of the street cleaning department. On December 11 bids will be received for 13,650 feet of fire hose.

Red Bluff trustees have been petitioned for a bond issue of \$85,000 for a municipal water system. Steps have been taken for paving four blocks of streets in main part of town.

Richmond will shortly adopt plans and specifications for \$90,000 canal sewer system.

Riverside will hold an election December 5 to vote \$65,000 bonds for Indio road district. Bids were received November 24 for installing an ornamental lighting system.

San Bernardino will receive bids December 7 for constructing 8-inch vitrified sewer, two manholes, 20 vitrified pipe "Ys" and two flush tanks in portion of Willis avenue.

San Diego received bids November 11 for installment of water system along the municipal bulkhead. Department of ways and means received bids November 9 for installation of filtration plant. City council has authorized the purchase in the open market of lumber, iron bolts and other hardware necessary in the construction of the Dulzura conduit extension. City wants to purchase steel flume 3000 feet long for which \$5200.00 has been appropriated; also city wants to purchase a 15-ton traveling crane for the municipal pier.

San Fernando received bids November 23 on the \$150,000 bonds voted for a union high school. San Fernando valley irrigation district No. 3 has voted \$2,600,000 bonds to provide distributing line from Los Angeles aqueduct.

San Gabriel received bids November 10 for the construction of two reinforced concrete bridges and one 50-foot concrete culvert.

Santa Ana will receive bids December 7 for 3000 feet of fire hose.

Santa Cruz received bids November 16 for furnishing electrical appliances and material for municipal wharf. Also for furnishing electroliers and installing same upon municipal wharf.

Santa Monica received bids November 16 for improving portion of Hill street by paving, constructing concrete sidewalks and curbs. Bids were received on November 30 for improving portion of 26th street by grading, oil macadam paving, corrugated iron culverts, concrete sidewalks, curbs and gutters.

Santa Paula wants to purchase a fire truck.

South Pasadena received bids November 23 for 124 copper clad ornamental lighting posts on each side of Fair Oaks avenue.

South San Francisco will receive bids December 7 for constructing storm water sewer with all necessary laterals on portion of Magnolia avenue; also construction of storm water sewer with all necessary laterals on portion of Orange avenue.

Stockton received bids November 24 for improving portion of Jackson street by constructing curbs and gutters; also for macadamizing said street.

Tulare is contemplating the installation of an electrolier system.

Turlock trustees are talking of purchasing oil for roads.

Vacaville will shortly call for bids on Carnegie library. An election will be held in the near future to vote \$30,000 for street improvements.

Vallejo received bids November 25 for an incinerator.

Visalia will hold an election for \$120,000. Of this amount \$12,000 will be used for fire apparatus and \$108,000 for extension of sewers.

Winters is contemplating the calling of a \$60,000 election to vote bonds for school purposes.

CALIFORNIA COUNTIES.

Butte County will receive bids December 7 for construction of steel truss bridge 78 feet long over the west branch of the Feather river.

Los Angeles County. State highway commission will receive bids December 14 for about 14½ miles of grading, excavating, corrugated iron pipe, concrete in culverts and monuments from Sec. 17 T. 6 N. R. 17 W. S. B. B. & M. to Liebre Mt. It is reported that county needs \$10,000,000 for storm protection. It is expected that the State will contribute about \$1,500,000, the national government about \$2,000,000 and Los Angeles county the rest.

Monterey County received bids November 10 for construction of a tri-county bridge across the Pajaro river near Aromas. Bonds have been voted for construction of bridges and roads.

Orange County received bids November 10 for the construction of about four miles of Brea canyon road under county highway specifications. State highway commission will receive bids December 14 for constructing about 5½ miles of concrete paving, etc., between San Juan Capistrano and Gilman.

San Bernardino County may install a rock crusher at Devore for assisting in the construction of a highway system for which \$1,750,000 bonds were voted.

San Benito County received bids November 2 for the construction of jetties on the

San Benito river at the Hollister and San Juan road.

Santa Cruz County received bids November 24 for a new grade on Coast road at Majors creek in Seaside road district.

San Mateo County will receive bids December 7 for constructing and macadamizing 0.397 of a mile of highway in 4th road district. On same date bids will be received for constructing a right-of-way fence and macadamizing 0.529 of a mile of highway on portion of section 2, route 7. Bids were received on November 16 for construction of 1.459 miles of highway in the 5th road district. On December 7 bids will be received for construction and macadamizing of 0.79 of a mile on Kelly avenue in Half Moon Bay.

Siskiyou County. State highway commission will receive bids on December 14 for about 16.9 miles of grading between Hornbrook and Yreka.

Sutter County. State highway commission will receive bids December 14 for constructing about 11.7 miles of concrete paving between north county boundary line and Yuba City.

Tehama County has passed resolution for the improvement of 95 miles of road at cost of about \$12,000.

Tulare County will hold a \$1,488,555 road bond election December 3.

Ventura County received bids November 14 for constructing three reinforced concrete box culverts and two reinforced 24-ft. concrete and 30-ft. girder span bridges.

RECENT COURT DECISIONS OF INTEREST TO PACIFIC COAST CITIES AND COUNTIES

Damages from Flood. (Cal.) A city is not liable to a lot owner for damages by the flooding of premises, due to the inferior construction of a drain placed under the lot by a former owner, and the cracking of the city drain under the street because of pressure caused by the smaller connection made by the lot owner. *Warden v. City of South Pasadena*, 143 P. 776.

Dedication. (Or.) To constitute a dedication, the intention to devote the property to a public use must unequivocally appear. *Harris v. City of St. Helens*, 143 P. 941.

(Or.) The filing of a plat with a strip marked "Strand, reserved for wharves" does not constitute a dedication of the part so marked. *Harris v. City of St. Helens*, 143 P. 941.

Under L. O. L., Sec. 718, where a plat filed for record is marked "Reserved for wharves," the word "Reserved" means retained, kept back. *Id.*

(Or.) Except where a municipality may not have charter powers to accept a dedication, an acceptance may be expressed or implied. *Harris v. City of St. Helens*, 143 P. 941.

(Wash.) A conveyance without consideration to a municipality of real estate to be maintained perpetually for park purposes only is but an offer to dedicate, which may be revoked at any time before acceptance. *City of Spokane v. Security Savings Society*, 143 P. 435.

Such offer is revoked by a subsequent conveyance to a third person before acceptance of the dedication. *Id.*

Elections. (Cal.) By Const. art. 2, Sec. 2½ (Amendment 1908), the Legislature may prescribe tests and conditions for candidates as well as for electors, but is not bound to make membership in a political party a condition of the right to seek the nomination of that party. *Hart v. Jordan*, 143 P. 537.

(Nev.) St. 1913, c. 284, subc. 3, sec. 9, imposing upon candidates for State offices a fee of \$100 as a condition to filing nomination papers so that their names will go on the ballot, is valid, being a regulation, and not an additional qualification. *State v. Brodigan*, 143 P. 238.

Electricity. (Or.) The stringing by a city of an electric wire carrying 2,200 volts only three inches above the wires of an electric company carrying approximately 120 volts is gross negligence. *Dygart v. City of Eugene*, 143 P. 643.

An electric company is chargeable, not only with actual knowledge of dangerous proximity of the electric wires of the city, but with everything which it reasonably ought to know by the exercise of reasonable care and diligence. *Id.*

Injunction. (Or.) In a suit to enjoin enforcement of ordinance authorizing payment from the general fund of warrants against a prospective special fund, the warrant holders are not necessary parties. *Carruthers v. City of Astoria*, 143 P. 899.

Licenses. (Cal.) Const. art. 13, sec. 14, imposing a gross earnings tax on gas and electric light companies, and exempting them from all other taxes and licenses, held to exempt them from liability to pay license fees required by Motor Vehicle Act, secs. 4, 5, as a condition to the registration of motor vehicles used by such companies exclusively in their business. *Pacific Gas & Electric Co. v. Roberts*, 143 P. 700.

Mandamus. (Idaho) A writ of mandate is for the purpose of compelling the performance of an act which the law especially enjoins as a duty resulting from an office, trust, or station. *Davies v. Board of Com'rs of Nez Perce County*, 143 P. 945.

Motor Vehicles. (Cal.) Pedestrians may use and traverse a highway at all its points, being chargeable only for the exercise of due care, measured by the use which they actually make of the highway, and this rule applies to city streets without reference to the amount of travel thereon. *Raymond v. Hill*, 143 P. 743.

(Cal.) Under St. 1905, p. 816, negligence cannot be predicated merely on the use of the left-hand side of the road, where the driver cannot cross to the right-hand side, and the roadway is of ample width to permit that use with safety to pedestrians, and a clear passage to approaching vehicles. *Raymond v. Hill*, 143 P. 743.

(Kan.) That a motorist drives his automobile on the left side of the highway does not alone render him negligent. *Giles v. Ternes*, 143 P. 491.

(Wash.) Where collision between automobiles would not have occurred had not plaintiff turned to the left in violation of the law of the road, held that he could not recover because of his mistaken belief that defendant was not going to turn out. *Lloyd v. Calhoun*, 143 P. 458.

Municipal Water Works. (Cal.) A town in administering a water system, even within its own limits, does not act in a legislative capacity, but in a proprietary and only quasi public capacity. *Marin Water & Power Co. v. Town of Sausalito*, 143 P. 767.

(Cal.) A municipal corporation of the sixth class held to have power under Municipal Corporation Act, sec. 862, subd. 3, to purchase water in bulk for sale to its inhabitants. *Marin Water & Power Co. v. Town of Sausalito*, 143 P. 767.

Agreements by town for supply of water for their own use and the use of their inhabitants held to rest within the sound discretion of the authorities, and in the absence of fraud or excess of authority a 10-year contract by a town for the purchase of water was valid. *Id.*

A provision in a contract by a town owning its own water system for the purchase of water in bulk for sale to its inhabitants, binding the town to pay for not less than 150,000 gallons per day the first year and 200,000 gallons thereafter, was valid. *Id.*

Ten-year contract by town of the sixth class for purchase of water, which bound it to pay for a specified minimum amount, held not void as unreasonably binding the town to make payments which might possibly be raised by taxes paid by a decreased population. *Id.*

Civ. Code, sec. 548, prohibiting in contracts for supply of water, grants of exclusive rights, if still in force, held not violated by a contract by a town for the purchase of water for sale to its inhabitants as the contract contemplated the possibility of purchases from other sources. *Id.*

Pol. Code, sec. 4412, relative to contracts by cities for supply of water, held to refer only to supply for public buildings, and to have no application to a purchase of water by a town for sale to its inhabitants. *Id.*

A city or town having power to buy water for its own distributing system may agree to purchase water up to a given quantity exclusively from one company, and such contract will be enforced though the city should conclude to procure a supply of water of its own in addition. *Id.*

(Cal. App.) Where a city maintains a water system to supply its inhabitants, it acts as a private corporation, and is bound to furnish water without discrimination. *Nourse v. City of Los Angeles*, 143 P. 801.

(Cal.) The fixing of rates contemplated by Const. art. 14, sec. 1, for municipal water supply does not apply to a town on purchasing water for sale to its inhabitants and delivered through its own water system. *Marin Water & Power Co. v. Town of Sausalito*, 143 P. 767.

The right to regulate rates held to rest upon dedication of property to public use, and hence sale of water to town owning its own water system was not subject to the rate-regulating power conferred by Const. art. 14, sec. 1, unless there was such a dedication. *Id.*

Statutes. (Or.) The rules for construing statutes usually apply to the construction of city ordinances. *Duncan v. Dryer*, 143 P. 644.

(Wash.) Under Laws 1913, pp. 422, 423, 426, 427, secs. 8, 10, 15, 17, the determination of the genuineness of signatures attached to initiative petitions is vested exclusively in the local officers authorized to determine the same, and their decision is not reviewable by the Secretary of State. *State v. Superior Court of Thurston County*, 143 P. 461.

Laws 1913, p. 423, sec. 9, in so far as it prescribes that initiative petitions shall consist of sheets with numbered lines, and that no more than 20 signatures shall be placed on a sheet, is directory only. *Id.*

Street Assessments. (Or.) Where a city charter provides that no part of the expense of a street improvement shall be paid from the general fund, the city cannot authorize the payment of warrants against the special fund from the general fund. *Carruthers v. City of Astoria*, 143 P. 899.

Sec. 633 (Cal.) Action against a railroad company for violation of a city ordinance requiring the sprinkling of tracks, in which the railroad company was sentenced to pay a fine of \$400, was criminal in character. *People v. Pacific Gas & Electric Co.*, 143 P. 727.

Taxation. (Wash.) After Public Service Commission's finding of the value of a railroad's property, under Public Service Commission Law, sec. 92, the property may not be arbitrarily assessed for a subsequent year on such valuation. *Spokane & I. E. R. Co. v. Spokane County*, 143 P. 307.

Water Rates. (Cal. App.) An ordinance fixing the rules for supplying inhabitants of a city with water from the city water system, which made all water rates charges upon the property, regardless of changes of ownership or occupation, held unreasonable. *Nourse v. City of Los Angeles*, 143 P. 801.

(Or.) City warrants are not negotiable instruments, and are subject to all defenses, as against any holder. *Clatskanie State Bank v. City of Ranier*, 143 P. 909.

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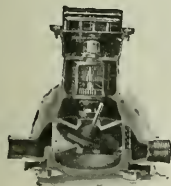
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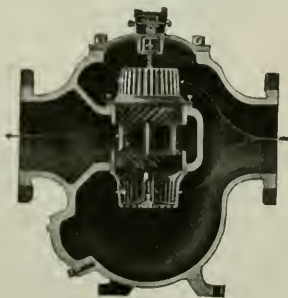
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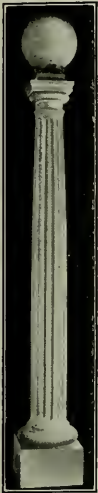
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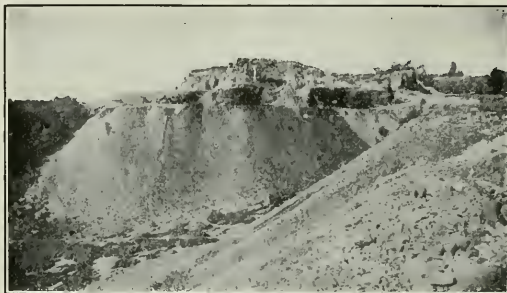
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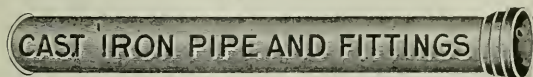
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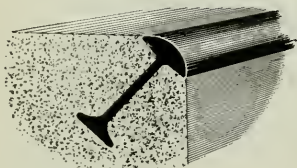
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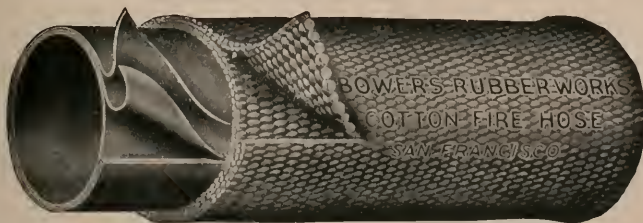
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